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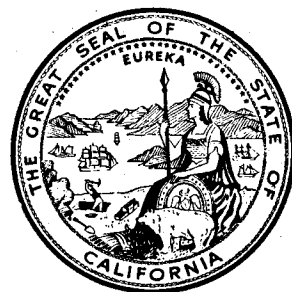
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California Voters Pamphlet

General Election
November 5, 1974

*Compiled by Edmund G. Brown Jr.
Secretary of State*

*Analyses by A. Alan Post
Legislative Analyst*





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Edmund G. Brown Jr.

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Dear Fellow Californian:

Our State Voters Pamphlet has been revised to provide clear and precise explanations of all measures appearing on the November general election ballot. The changes were made possible by the passage of Proposition 9, the Political Reform Initiative, in the June primary election.

In addition to an impartial analysis of each ballot measure, written by the Legislative Analyst, A. Alan Post, supporters and opponents of every measure were invited to submit arguments for and against the propositions. Then each side was allowed to write a rebuttal statement. Also, the ballot pamphlet includes the final legislative vote for each measure placed on the ballot by the legislature.

I believe you will find this revised Voters Pamphlet to be a very useful aid in understanding the complex ballot measures, and I urge you to read carefully the analyses and arguments before voting on November 5.

Sincerely,

Edmund G. Brown Jr.
EDMUND G. BROWN JR.
Secretary of State

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STATE SCHOOL BUILDING AID AND EARTHQUAKE RECONSTRUCTION AND REPLACEMENT BOND LAW

Ballot Title

THE STATE SCHOOL BUILDING AID AND EARTHQUAKE RECONSTRUCTION AND REPLACEMENT BOND LAW OF 1974.

Provides for a bond issue of one hundred fifty million dollars (\$150,000,000) to provide capital outlay for construction or improvement of public schools.

YES

NO

FINAL VOTE CAST BY LEGISLATURE ON AB 3236 (PROPOSITION 1):

ASSEMBLY—Ayes, 67
Noes, 0

SENATE—Ayes, 35
Noes, 0

Analysis by Legislative Analyst

PROPOSAL:

For the past 22 years the state has helped school districts finance their building needs by selling state general obligation bonds. Both the state and the local school districts share in the repayment of these bonds. Over the history of this program about \$2.2 billion in such bonds have been authorized.

This proposition would authorize the state to sell \$150 million in general obligation bonds for school district building aid loans. Up to \$50 million of this money could be loaned (1) to qualified school districts to reconstruct, repair or replace structurally unsafe school buildings or (2) to qualified school districts which have had buildings damaged by an earthquake since March 1, 1974 if no other state or federal funds are available. The balance of \$100 million plus any unused portion of the \$50 million would be used by qualified school districts to build schools to meet enrollment growth. The state may establish priorities for the allocation of these funds to school districts.

Under the 1952 School Building Aid Law there are two major aid programs: (1) state aid for districts experiencing high enrollment growth and (2) state aid for those districts that must repair or replace structurally unsafe buildings or buildings that have been recently damaged by an earthquake. The repayment requirements of these two major state aid programs are different.

Growth Districts. Only those school districts which expect increased pupil enrollments and have bonded up to local capacity are eligible to participate in the state building aid program. To date the state has repaid about 51 percent of the total principal and interest cost on the bonds issued for this aid program and local districts have repaid the remaining costs.

Unsafe Buildings. School districts are required to abandon, repair or replace structurally unsafe buildings by June 30, 1975. To assist districts in meeting this deadline, the state authorized a special building aid program in 1971. Districts which must repair or replace such buildings are permitted to levy a special tax to raise matching funds to qualify for state aid. Districts which levy the tax may qualify for state loans from 25 percent

up to 80 percent of the total building cost depending on district wealth. The balance is provided by the district. It is estimated that districts will repay, with interest, between 90 to 100 percent of the state loan amount. The variance in the estimated repayment percentage results because the district repayment is not based on a fixed yearly amount but varies with changes in the district's property values and bonded indebtedness.

Any portion of the \$50 million not used by districts for earthquake safety measures would return to the regular state school building aid program.

FISCAL EFFECT:

The most recent school bonds issued by the state (May, 1974) were sold at an interest rate of 5.4 percent. Based on this rate, the total interest cost of the \$150 million general obligation bonds would be approximately \$85 million for a total principal and interest cost of \$235 million assuming a 20-year repayment period. Interest rates will vary from this rate depending on the bond market when the bonds are sold.

In order to estimate the principal and interest cost to the state and school districts it is necessary to differentiate between the two building aid programs. Under the enrollment growth program, \$100 million would be available at an estimated interest cost of \$57 million for a total cost of \$157 million. Historically the state has repaid 51 percent and districts have repaid the balance. Therefore, the estimated maximum state portion of the cost based on this ratio would be \$80 million and the district portion would be \$77 million. These repayment percentages fluctuate from year to year and there has been a recent trend toward a higher local portion and a lower state portion of the total costs.

Under the unsafe building program, \$50 million would be available for state loans at an estimated interest cost of \$28 million for a total cost of \$78 million. It is estimated that districts will repay from 90 to 100 percent of the loan amount. Therefore, the maximum state principal and interest cost would probably not exceed \$7.8 million or 10 percent and the districts would repay the balance.

State School Building Aid and Earthquake Reconstruction and Replacement Bond Law

1

Argument in Favor of Proposition 1

Your "Yes" vote on Proposition 1 will provide our children with earthquake-safe schools throughout the state and will eliminate overcrowded classrooms in our rapidly growing areas.

For the past 22 years, Californians have taken a practical, fair approach to providing emergency financing to those low-wealth districts in the state which have exhausted their own local resources and are unable to provide needed classroom facilities for their children. These districts, after qualifying under strict State standards, are eligible to receive loans financed by State general obligation bonds under the State School Building Aid Law of 1952. \$100,000,000 of the bonds proposed in this proposition will be utilized to continue this valuable program, which is acclaimed throughout the nation as the best of its kind.

Loans will only be made to those districts which can prove their enrollment needs and then only in accordance with strict building limitations and cost standards.

In addition, your "Yes" vote on Proposition 1 will make \$50,000,000 available for continued loans to those school districts which are still housing children in structurally unsafe buildings which do not meet earthquake standards.

Existing law provides that children may not attend school in any unsafe school building after June 30, 1975. It would be physically impossible to replace all of the great number of unsafe buildings by this deadline and many children will have to temporarily be placed in crowded classrooms or double session. While the bulk of the money necessary for reconstruction or replacement

of such unsafe classrooms was approved by the voters in 1972, rapid increases in the cost of construction have made it impossible to complete the job with available funds. Proposition 1 includes \$50,000,000 to complete this program for the reconstruction and replacement of unsafe schools.

The funds for earthquake safety will be lent only to those districts specifically requesting the money and district repayment will not affect property taxes in any other district. Further, the districts themselves must supply up to 75% of the cost of their project before borrowing Proposition 1 funds.

Because Proposition 1 makes good fiscal sense; because it is the practical way to allow specific financially-strapped school districts to build the classrooms they urgently need, this measure has the solid support of leaders of both political parties, organized labor, chambers of commerce, women's organizations, minority and church groups, educational leaders and thousands of others concerned with our children's safety and well being.

To reduce pressure on the local taxpayer, to assure minimum classroom space for every child, and to repair or replace unsafe schools, vote "Yes" on Proposition 1.

ALISTER McALISTER
Assemblyman, 25th District

WILSON RILES
Superintendent of Public Instruction

PETER H. BEHR
Senator, 4th District

No argument against Proposition 1 was submitted

See Page 69 for the Text of Proposition 1

Ballot Title

CHARTERS FOR COUNTIES AND CITIES. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Amends Article XI, section 3(a), of State Constitution to provide that a city or county may adopt, amend, revise, or repeal a charter by a majority of its electors voting, and without approval of the Legislature. Makes charter, or changes thereto, effective upon filing with the Secretary of State. Charter provisions are the law of the state having the force and effect of legislative enactments. County charters adopted pursuant to this section supersede any existing charter and all inconsistent laws. Financial impact: None on local government and minor savings to state government.

FINAL VOTE CAST BY LEGISLATURE ON ACA 81 (PROPOSITION 2):

ASSEMBLY—Ayes, 62
Noes, 0

SENATE—Ayes, 35
Noes, 0

Analysis by Legislative Analyst**PROPOSAL:**

Under California's Constitution, counties and cities are the basic units of local government. They may be governed under general statute laws enacted by the Legislature, or they may be governed by "charters" which are adopted by their voters and approved by the Legislature. Amendments to these local charters must also be adopted by the voters and approved by the Legislature. Counties and cities operating under charters have a greater degree of independence and power than the "general law" counties and cities. Eleven counties and 75 cities presently are governed by charters.

This proposition removes the requirement that a county or city charter be approved by the Legislature. This means that it will become effective as soon as it is

approved by the local voters and is filed with the Secretary of State. The proposition applies this same process to charter amendments.

Charters and charter amendments presently have the legal effect of statutes passed by the Legislature and signed by the Governor. This proposition continues to give charters and charter amendments that effect and requires that they be published as part of the official laws of the state.

FISCAL EFFECT:

This proposition will have no effect on local government costs or expenditures. The proposition will result in minor savings in the cost of state government by doing away with legislative review and adoption of charters and charter amendments.

Argument in Favor of Proposition 2

VOTE "YES" ON PROPOSITION 2.

WE URGE A "YES" VOTE ON PROPOSITION 2 which was approved by both the Assembly and the Senate without a dissenting vote. It will eliminate the need for the Legislature to adopt a concurrent resolution approving charters or charter amendments which have already been approved by the voters of a city. Legislative approval is a unique requirement found only in the California Constitution of 1879 and in ninety-five years the Legislature never has rejected either a charter or charter amendment. In the light of the experience of the Legislature and existing practice, we believe that little will be lost and much will be gained by eliminating this requirement. It will help streamline the legislative process and save a substantial amount of printing and expense.

A "YES" VOTE ON PROPOSITION 2 will make the decision of the voters effective just as quickly as the approved charter or charter amendments are filed with the Secretary of State.

The proposed constitutional amendment also provides that charters and charter amendments will be published in the official state statutes just as concurrent resolutions approved by the Legislature are now published. Thus, there will be a central depository and official notice so that all of the people of the state will have notice of and can obtain copies of charters and charter amendments. The courts have held that charters are state laws and have the force and effect of legislative enactments and the Constitution will preserve this rule.

PROPOSITION 2 is endorsed and supported by both the League of California Cities and the County Supervisors Association of California.

LEO T. McCARTHY
Assemblyman
Speaker, California State Assembly

JOHN J. MILLER
Assemblyman, 17th District

JAMES R. MILLS
Senator
President pro Tempore, California State Senate

No argument against Proposition 2 was submitted

See Page 70 for the Text of Proposition 2

POSTSECONDARY EDUCATION COMMISSION PERSONNEL—CIVIL SERVICE

Ballot Title

POSTSECONDARY EDUCATION COMMISSION PERSONNEL—CIVIL SERVICE. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Amends California Constitution Article XXIV, Section 4, to exempt from civil service provisions the chief administrative officer and three deputies of the California Postsecondary Education Commission. Financial impact: This measure involves little or no fiscal effect.

FINAL VOTE CAST BY LEGISLATURE ON ACA 86 (PROPOSITION 3):

ASSEMBLY—Ayes, 54
Noes, 7

SENATE—Ayes, 28
Noes, 5

Analysis by Legislative Analyst

PROPOSAL:

Every state officer and employee, unless specifically exempted by the Constitution, is under the State Civil Service System and subject to its rules and procedures. Those exempted include publicly elected officers and those appointed by the Governor, officers and employees of the legislative and judicial branches of government, officers and employees of the University of California and the California State University and Colleges, and certain public school employees.

This proposition would exempt from the State Civil Service System the Chief Administrative Officer and three deputies of the California Postsecondary Educa-

tion Commission. This commission, established April 1, 1974, is responsible for coordinating all higher education activities and for providing related information and recommendations.

FISCAL EFFECT:

The cost effect of this proposition would depend upon any difference between the salary levels established by the State Department of Finance for these exempted positions and the salary levels that would otherwise be established by the State Personnel Board for civil service positions. We believe any such difference would be minor.

Remember to Vote on Election Day

Tuesday, November 5, 1974

Text of Proposed Law

This amendment proposed by Assembly Constitutional Amendment 86 (Statutes of 1974, Resolution Chapter 92) expressly amends an existing section of the Constitution by adding a subdivision thereto. Therefore, the provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENT TO ARTICLE XXIV

SEC. 4. The following are exempt from civil service:

- (a) Officers and employees appointed or employed by the Legislature, either house, or legislative committees.
- (b) Officers and employees appointed or employed by councils, commissions or public corporations in the judicial branch or by a court of record or officer thereof.
- (c) Officers elected by the people and a deputy and an employee selected by each elected officer.
- (d) Members of boards and commissions.
- (e) A deputy or employee selected by each board or commission either appointed by the Governor or authorized by statute.
- (f) State officers directly appointed by the Governor with or without the consent or confirmation of the Senate and the employees

of the Governor's office, and the employees of the Lieutenant Governor's office directly appointed or employed by the Lieutenant Governor.

(g) A deputy or employee selected by each officer, except members of boards and commissions, exempted under Section 4(f).

(h) Officers and employees of the University of California and the California State Colleges.

(i) The teaching staff of schools under the jurisdiction of the Department of Education or the Superintendent of Public Instruction.

(j) Member, inmate, and patient help in state homes, charitable or correctional institutions, and state facilities for mentally ill or retarded persons.

(k) Members of the militia while engaged in military service.

(l) Officers and employees of district agricultural associations employed less than 6 months in a calendar year.

(m) In addition to positions exempted by other provisions of this section, the Attorney General may appoint or employ six deputies or employees, the Public Utilities Commission may appoint or employ one deputy or employee, and the Legislative Counsel may appoint or employ two deputies or employees.

(n) *The chief administrative officer and three deputies of the California Postsecondary Education Commission.*

Study the Issues Carefully

Text of Proposed Law

This amendment proposed by Assembly Constitutional Amendment 86 (Statutes of 1974, Resolution Chapter 92) expressly amends an existing section of the Constitution by adding a subdivision thereto. Therefore, the provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENT TO ARTICLE XXIV

SEC. 4. The following are exempt from civil service:

- (a) Officers and employees appointed or employed by the Legislature, either house, or legislative committees.
- (b) Officers and employees appointed or employed by councils, commissions or public corporations in the judicial branch or by a court of record or officer thereof.
- (c) Officers elected by the people and a deputy and an employee selected by each elected officer.
- (d) Members of boards and commissions.
- (e) A deputy or employee selected by each board or commission either appointed by the Governor or authorized by statute.
- (f) State officers directly appointed by the Governor with or without the consent or confirmation of the Senate and the employees

of the Governor's office, and the employees of the Lieutenant Governor's office directly appointed or employed by the Lieutenant Governor.

(g) A deputy or employee selected by each officer, except members of boards and commissions, exempted under Section 4(f).

(h) Officers and employees of the University of California and the California State Colleges.

(i) The teaching staff of schools under the jurisdiction of the Department of Education or the Superintendent of Public Instruction.

(j) Member, inmate, and patient help in state homes, charitable or correctional institutions, and state facilities for mentally ill or retarded persons.

(k) Members of the militia while engaged in military service.

(l) Officers and employees of district agricultural associations employed less than 6 months in a calendar year.

(m) In addition to positions exempted by other provisions of this section, the Attorney General may appoint or employ six deputies or employees, the Public Utilities Commission may appoint or employ one deputy or employee, and the Legislative Counsel may appoint or employ two deputies or employees.

(n) *The chief administrative officer and three deputies of the California Postsecondary Education Commission.*

Study the Issues Carefully

Postsecondary Education Commission Personnel--Civil Service

Argument in Favor of Proposition 3

Proposition 3 is a scaled-down version of a ballot measure narrowly defeated in the June election despite substantial legislative and editorial support. It simply exempts an additional three positions from civil service regulations for California's new Postsecondary Education Commission. Because of the importance of this issue, the Legislature—by over a two-thirds majority—has asked the citizenry to consider this proposition again.

Proposition 3 will enable our Postsecondary Education Commission to improve statewide planning and coordination of education beyond the high school level.

Our Constitution wisely guarantees civil service status for almost all state employees. But it automatically grants one top exempt position to each state agency and provides more where justified and approved by the voters. The three additional exemptions will give the Commission needed flexibility for attracting the most highly qualified persons to fulfill its sensitive role.

Nearly 1½ million students attend our two hundred private and publicly supported colleges and universities. Additionally, there are hundreds of vocational, trade, and business schools. There has been little effective planning and coordination between them.

In order to better meet California's educational needs, and to save more taxpayer dollars, the Governor and Legislature created the Postsecondary Education Commission. It is responsible for preparing a comprehensive five-year plan for California postsecondary education which will integrate the programs and plans for our various public and private institutions. The Commission advises the Governor, the Legislature, and the educational institutions themselves, in an effort to provide better and more economic educational decisions.

The entire staffs of the University of California and the California State University and Colleges are exempt from civil service regulations. The Commission—which has planning and coordinating responsibilities relating to these two large public systems—needs similar freedom.

A few individuals have expressed their fears that Proposition 3 would inject "politics" into postsecondary education by providing for "political appointees". Political interference is neither the intent nor the likely effect of Proposition 3.

The Legislature and Governor have provided that the composition and membership of the commission will be representative of major educational interests and the public at large. Its composition **inhibits** the possibility of political influence. Its membership includes representatives of the University of California, the California State University and Colleges, private colleges, the California Community Colleges, the State Board of Education, vocational education, and proprietary institutions. In addition, 12 public members are appointed in equal numbers by the Governor, Speaker of the Assembly, and Senate Rules Committee. It is **extremely unlikely** that any particular political or educational philosophy will dominate.

The Postsecondary Education Commission replaces an agency which could not get the job done. It seems essential that the Commission and its director have the flexibility to hire the individuals who can get the job done. Likewise, they need the flexibility to replace individuals who are not getting the job done.

The proponents of Proposition 3 are Republicans, Democrats and liberals and conservatives. We are committed to improving California postsecondary education.

Help yourself and all Californians to better planned and more economic postsecondary education.

VOTE "YES" ON PROPOSITION 3.

JOHN VASCONCELLOS
Assemblyman, 24th District

HOWARD WAY
Senator, 15th District

STEPHEN P. TEALE, M.D.
Chairman, California Postsecondary Education Commission

Rebuttal to Argument in Favor of Proposition 3

The proponents of Proposition 3 have stated that when the nearly identical Proposition 7 was defeated in the June election it happened in spite of substantial legislative and editorial support. This begs the question.

Bringing this measure back for its second attempt at passage is an arrogant display of the disregard of the

people's wishes. I'm sure that many Republicans, Democrats, conservatives and liberals will object to this heavy-handed abuse of the election process and will join with me in voting NO on Proposition 3.

ROBERT H. BURKE
Assemblyman, 70th District

Postsecondary Education Commission Personnel--Civil Service

3

Argument Against Proposition 3

This is essentially the same Proposition (Proposition 7) that was on the June ballot and defeated by the voters. It has no business being placed on the ballot within 5 months of the last election. By even being brought back again so soon after its rejection, Proposition 3 is not only an affront to our election system but to the people who are literally being coerced by its presence on the ballot. I have no quarrel with the content of the measure but the issue hasn't changed, the arguments haven't changed. The following is the argument used in the June ballot pamphlet:

"Each election year we are asked to vote for many propositions. There is no compelling need for this proposition.

"Exempting employees of the State of California from civil service status usually has the effect of turning such

employees into 'political appointees' and to pay them more than they would otherwise be entitled to receive.

"There are some unique circumstances which justify an exempt status, however, we do not feel that staff employees of the California Postsecondary Education Commission should be categorized as a unique circumstance. These individuals are employed by the people of the State to conduct the State's business and therefore ought to be subject to all the rules and regulations which apply to state employees. The civil service was established to keep politics out of State government and we see no valid reason to make an exception in this case. /signed/ GEORGE DEUKMEJIAN, Senator, 37th District, and JOHN V. BRIGGS, Assemblyman, 35th District."

ROBERT H. BURKE
Assemblyman, 70th District

Rebuttal to Argument Against Proposition 3

The opposition argument is incorrect. Proposition 3 is not "essentially the same" as the proposition which appeared on the June ballot. Proposition 3 proposes forty percent fewer exemptions than the first ballot measure.

We believe that the major reason for the defeat of the previous proposition was because of the measure's ambiguous title. It neither identified the small number of exemptions nor described the educational function of the affected state agency.

The author of the opposition argument writes that he has no quarrel with the content of Proposition 3. This implies that he supports the concept; he simply does not believe the issue should be brought back to you for a vote. As we have previously noted, however, this is not the same proposition.

The California Postsecondary Education Commission is a new state agency with a long list of responsibilities. Its director is exempt from civil service and is just now being selected through a national search process. Since

the top three deputies will also have a tremendous impact on California's postsecondary education system, we believe the same kind of process should be utilized for filling these important positions.

The opposition argument contends that individuals would be paid more than they would otherwise be entitled to receive. The salaries of all state employees—whether under civil service jurisdiction or not—are subject to the scrutiny of the State Dept. of Finance and the Legislative Analyst and to the approval of the Legislature and Governor.

VOTE "YES" ON PROPOSITION 3.

JOHN VASCONCELLOS
Assemblyman, 24th District

HOWARD WAY
Senator, 15th District

STEPHEN P. TEALE, M.D.
Chairman, California Postsecondary Education Commission

Ballot Title

REGENTS, UNIVERSITY OF CALIFORNIA. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Adds vice-president of alumni association as ex-officio member. Adds two additional members appointed by Governor with approval of Senate. No appointment to new term shall be made during first year of any gubernatorial term. Reduces terms from sixteen to twelve years after 1976. Allows regents appointment of one faculty member of institution of higher education and one student to board. Requires regents be persons reflecting economic, cultural and social diversity of state, including ethnic minorities and women. Provides for advisory committee which Governor must consult with in selection of regent appointees. Financial impact: Minor increase in state costs.

FINAL VOTE CAST BY LEGISLATURE ON SCA 45 (PROPOSITION 4):

ASSEMBLY—Ayes, 58
Noes, 15

SENATE—Ayes, 27
Noes, 1

Analysis by Legislative Analyst

PROPOSAL:

The Constitution establishes the Regents of the University of California to govern the University. The Regents presently consist of 24 members. Sixteen are appointed by the Governor and eight serve on the board because of other offices they hold. These ex officio members are the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, the President of the University of California Alumni Association, the President of the University, the President of the State Board of Agriculture, and the President of the Mechanics Institute of San Francisco.

This proposition revises the make-up of the Regents, and as to those appointed by the Governor reduces their term of office, and establishes a new procedure for their selection.

Membership of the Regents. This proposition makes the following changes in the membership of the Regents:

(a) It increases the total number of Regents from 24 to 25 and authorizes a potential of 27. This is accomplished (1) by adding two Governor-appointed members, so that the total number of Governor-appointed members increases from 16 to 18, (2) by reducing the total number of ex officio members from eight to seven, and (3) by authorizing the Regents to appoint up to two additional members.

(b) If the Regents decide to appoint persons to fill these two authorized positions, one must be serving on the faculty at an institution of higher education in California and the other must be a student enrolled at a University of California campus.

(c) The Regent-appointed members shall serve for not less than one year.

(d) The ex officio memberships taken off the Regents are the President of the State Board of Agri-

culture and the President of the Mechanics Institute of San Francisco.

(e) The ex officio member added to the Regents is the Vice-President of the University of California Alumni Association.

Shortened Term. The proposition reduces the term of office of the 18 Governor-appointed members from 16 years to 12 years.

Selecting Regents. The proposition requires the Governor to consult with a 12-member advisory committee in selecting his appointees to the Regents. The advisory committee consists of (1) the Speaker of the Assembly, (2) the President pro Tempore of the Senate, (3) the Chairman of the Regents, (4) a member of the faculty of the University of California chosen by the academic senate of the University, (5) a student of the University of California chosen by the Council of Student Body Presidents, (6) an alumnus of the University of California chosen by the alumni association of the University, and (7) six public members of which two each are appointed by the Speaker of the Assembly, the Rules Committee of the Senate, and the Governor.

FISCAL EFFECT:

The measure will cause a minor increase in state costs. One reason for this is the increase in the number of Regents. Regents receive a per diem when attending meetings away from home, are served lunch, and are reimbursed for travel costs at tourist rates. Another reason is that there may be some costs associated with the operation of the advisory committee. It is not possible at this time to determine precisely what these costs will be. Based on past experience, we believe the total fiscal impact will be minor.

Text of Proposed Law

This amendment proposed by Senate Constitutional Amendment 45 (Statutes of 1974, Resolution Chapter 85) expressly amends existing sections of the Constitution; therefore, existing provisions proposed to be deleted are printed in ~~strikeout~~ type and new provisions proposed to be inserted or added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENTS TO ARTICLE IX

First—That subdivision (a) of Section 9 of Article IX is amended to read:

SEC. 9. (a) The University of California shall constitute a public trust, to be administered by the existing corporation known as "The Regents of the University of California," with full powers of organization and government, subject only to such legislative control as may be necessary to insure compliance with the terms of the endowments of the university and the security of its funds. Said corporation shall be in form a board composed of ~~eight~~ *seven* ex officio members, to wit: the Governor, the Lieutenant Governor, the Speaker of the Assembly, the Superintendent of Public Instruction, ~~the president of the State Board of Agriculture, the president of the Mechanics Institute of San Francisco, the president and the vice president of the alumni association of the university and the acting president of the university, and 16~~ *18* appointive members appointed by the Governor and approved by the Senate, a majority of the membership concurring; provided, however that the present appointive members shall hold office until the expiration of their present terms.

(b) The terms of the ~~appointive~~ *members appointed prior to November 5, 1974*, shall be 16 years; the terms of two appointive members to expire as heretofore on March 1st of every ~~ren-numbered~~ *ren-numbered* calendar year, and *two members shall be appointed for terms commencing on March 1, 1976, and on March 1 of each year thereafter; provided that no such appointments shall be made for terms to commence on March 1, 1979, or on March 1 of each fourth year thereafter, to the end that no appointment to the regents for a newly commencing term shall be made during the first year of any gubernatorial term of office. The terms of the members appointed for terms commencing on and after March 1, 1976, shall be 12 years. During the period of transition until the time when the appointive membership is comprised exclusively of persons serving for terms of 12 years, the total number of appointive members may exceed the numbers specified in the preceeding paragraph.*

In case of any vacancy, the term of office of the appointee to fill such vacancy, who shall be appointed by the Governor and approved by the Senate, a majority of the membership concurring, shall be for the balance of the term as to for which such vacancy exists.

(c) *The members of the board may, in their discretion, following procedures established by them and after consultation with representatives of faculty and students of the university, including appropriate officers of the academic senate and student governments, appoint to the board either or both of the following persons as members with all rights of participation: a member of the faculty at a campus of the university or of another institution of higher education; a person enrolled as a student at a campus of the university for each regular academic term during his service as a member of the*

board. Any person so appointed shall serve for not less than one year commencing on July 1.

(d) *Regents shall be able persons broadly reflective of the economic, cultural, and social diversity of the state, including ethnic minorities and women. However, it is not intended that formulas or specific ratios be applied in the selection of regents.*

(e) *In the selection of the Regents, the Governor shall consult an advisory committee composed as follows: The Speaker of the Assembly and two public members appointed by the Speaker, the President Pro Tempore of the Senate and two public members appointed by the Rules Committee of the Senate, two public members appointed by the Governor, the chairman of the regents of the university, an alumnus of the university chosen by the alumni association of the university, a student of the university chosen by the Council of Student Body Presidents, and a member of the faculty of the university chosen by the academic senate of the university. Public members shall serve for four years, except that one each of the initially appointed members selected by the Speaker of the Assembly, the President Pro Tempore of the Senate, and the Governor shall be appointed to serve for two years; student, alumni, and faculty members shall serve for one year and may not be regents of the university at the time of their service on the advisory committee.*

(f) *The regents of the University of California said corporation shall be vested with the legal title and the management and disposition of the property of the university and of property held for its benefit and shall have the power to take and hold, either by purchase or by donation, or gift, testamentary or otherwise, or in any other manner, without restriction, all real and personal property for the benefit of the university or incidentally to its conduct. Said corporation shall also have all the powers necessary or convenient for the effective administration of its trust, including the power to sue and to be sued, to use a seal, and to delegate to its committees or to the faculty of the university, or to others, such authority or functions as it may deem wise; provided, that . The Regents shall receive all moneys funds derived from the sale of public lands donated to this state by pursuant to the act of Congress approved of July 2, 1862, (and the several any subsequent acts amendatory thereof), shall be invested as provided by said acts of Congress and the income from said moneys shall be inviolably appropriated to the endowment, support and maintenance of at least one college of agriculture, where the leading objects shall be (without excluding other scientific and classical studies; and including military tactics) to teach such branches of learning as are related to scientific and practical agriculture and mechanic arts; in accordance with the requirements and conditions of said acts of Congress; and the Legislature shall provide that if, through neglect, misappropriation, or any other contingency, any portion of the funds so set apart shall be diminished or lost, the state shall replace such portion so lost or misappropriated, so that the principal thereof shall remain forever undiminished . The university shall be entirely independent of all political or sectarian influence and kept free therefrom in the appointment of its regents and in the administration of its affairs, and no person shall be debarred admission to any department of the university on account of sex.*

Second—That subdivision (b) of Section 9 of Article IX is amended and renumbered to read:

(b) (g) *Meetings of the regents Regents of the University of California shall be public, with exceptions and notice requirements as may be provided by statute.*

Argument in Favor of Proposition 4

Proposition 4 is designed to preserve the essential independence of the University of California, while also providing for meaningful and necessary changes in the structure of the Board of Regents which will enable the University to be more responsive to the needs and aspirations of the people of California. Proposition 4 strikes an appropriate balance between increased public participation in the affairs of this great institution and the need to keep the University free from unwarranted political interference. In Proposition 4 this balance is achieved by preserving many key principles which have guided the University throughout its more than 100 years of service to the people of the State. Thus, the representatives of the people—the Governor, the Lieutenant Governor, the Speaker of the Assembly, and the Superintendent of Public Instruction will continue to serve as members of the Board of Regents. The Governor retains his right to select appointive Regents, subject to confirmation by the State Senate, a provision which the people adopted in 1972. These provisions assure that the elected representatives of the people will continue to have a voice in the governance of the University.

On the other hand, a number of changes proposed in Proposition 4 are designed to insure that the University will be more responsive and reflective of the interests of a rapidly changing California. Proposition 4 would shorten Regents' terms from the current 16 years to 12 years, add two public members, add an additional alumni member, remove the President of the Mechanics

Institute and the President of the State Board of Agriculture from the Board of Regents, establish an advisory committee to the Governor to assist him in selecting Regents, and authorize the Regents, at their discretion, to appoint a student and/or faculty member as a member of the Board of Regents.

Additionally, Proposition 4 provides that the Regents shall be able persons broadly reflective of the economic, cultural and social diversities of the State, including ethnic minorities and women. This statement recognizes that the University, which touches the lives of all Californians through its teaching, research, and public service programs, should be guided by qualified persons sensitive to the breadth and richness of California society.

During legislative debate, this measure enjoyed the support of alumni leaders and of spokesmen for the faculty, students, and the Regents themselves. It passed the Legislature overwhelmingly: 27-1 in the Senate and 58-15 in the Assembly. It is a reasonable and responsible reform proposal. It deserves your support.

VOTE YES ON PROPOSITION 4.

ALBERT S. RODDA

Senator, 5th District

Chairman, Senate Education Committee

JOHN J. MILLER

Assemblyman, 17th District

CHARLES J. HITCH

President, University of California

Rebuttal to Argument in Favor of Proposition 4

The proponents of Proposition 4 suggest that it provides "meaningful and necessary changes in the structure of the Board of Regents which will enable the University to be more responsive to the needs and aspirations of the people of California." Having served on the Joint Committee on the Master Plan for Higher Education, I truly question this statement. I fail to see how adding a second alumni representative, removing agriculture's representative, and possibly adding student and faculty members with full voting privileges will accomplish this. Rather, I believe these changes will make the Board less responsive to the taxpayers of California.

Why should alumni be so over-represented, at the expense of California's number one industry, agriculture?

Should student and faculty members be placed on the board of directors of this \$1.1 billion corporation for just one year? Do they have the experience, the exper-

tise, necessary for making major decisions? Do they truly know the "needs and aspirations" of the people, the taxpayers, of California?

And, there is nothing in the present Constitution which prohibits Regents from being "able persons broadly reflective of the economic, cultural and social diversities of the State, including ethnic minorities and women."

Are the proponents of this measure suggesting that this is not now the case, or are they trying to establish some type of "quota" system?

Shortening the terms of Regents may be positive; however, the changes in the Board's composition are ill-advised.

Accordingly, I urge your "NO" vote on Proposition 4.

JOHN STULL

Senator, 38th District

Argument Against Proposition 4

Proposition 4 is one of those proposals which has some good, but more bad. Certainly shortening the terms of office for Regents of the University of California is desirable. However, other weaknesses override this positive aspect, and, therefore, Proposition 4 should be defeated.

This proposal would make the following detrimental changes in the composition of the Board of Regents:

- a. Remove the President of the State Board of Agriculture.

This is truly unwise, because agriculture is California's number one industry (not counting government). California taxpayers now spend many millions annually in the budget for the University's Division of Agricultural Sciences. This goes into specific projects such as agricultural stations, extension programs, and research. The vital relationship between the University and agriculture must be preserved. This can best be done by retaining the State Board of Agriculture's representative on the Board of Regents.

- b. Add the Vice President of the Alumni Association.

The President of the Association is already a member, and adding a second alumni representative is unnecessary.

- c. Allow the appointment of one student and one faculty member as voting members for one-year terms.

This addition, although discretionary, is dangerous and the key reason for rejecting this proposal. Obviously, students and faculty should have input to the Board, as they now do, but giving them a vote on policy and personnel decisions (faculty and administrators) is unwarranted. The University is a \$1.1 billion corporation with extensive contracts with the Department of Defense and the Atomic Energy Commission. If length of service is important to gain necessary expertise, as so well argued by University representatives when protesting previous proposed reductions in Regents' terms, the placement of a one-year-term voting student or faculty member on its board of directors is surely an unwise policy.

The structure and independence of the University are too valuable to be changed unnecessarily. At this point, the need for reducing terms of Regents does not compensate for the negative aspects of this proposal. It should be rejected so that the Legislature may once again consider and propose needed changes in the University's system of governance which do not have the negative features of this proposal.

I urge your "NO" vote on Proposition 4.

JOHN STULL
Senator, 38th District

Rebuttal to Argument Against Proposition 4

The opposition argues that there are, among the positive aspects of Proposition 4, three "detrimental changes" to the composition of the Board. We contend that these provisions will assist the Regents in being more responsive to the needs of Californians.

- a. Remove the President of the State Board of Agriculture.

While no one would argue that agricultural interests are not important in California, it is unclear why only that economic interest should be granted an ex-officio seat. Surely, every Governor will guarantee that agricultural interests are represented.

- b. Add Alumni Vice President.

This provision recognizes the phenomenal growth of different campuses and allows for greater recognition of the role to be played by their alumni.

- c. Allow appointment of student and faculty member.

The presence of a fully participating student or faculty member on the board can add a valuable perspective to its deliberations. Authorizing the Regents to appoint these members to sit and vote

with the other 25 Regents cannot reasonably be viewed as a threat. The Regents have the option of establishing such seats. There is no requirement to do so. If adding these seats proves unworkable or is abused, the Regents can abolish them. Since the Regents also determine how such members are chosen, they can guarantee that they are responsible trustees.

We trust you will conclude, as has the Legislature and representatives of the University and its faculty, students and alumni, that Proposition 4 best embodies the changes needed in University governance.

VOTE YES ON PROPOSITION 4.

ALBERT S. RODDA
Senator, 5th District
Chairman, Senate Education Committee

JOHN J. MILLER
Assemblyman, 17th District

CHARLES J. HITCH
President, University of California

Ballot Title**RESIDENCE OF LOCAL GOVERNMENT EMPLOYEES. LEGISLATIVE CONSTITUTIONAL AMENDMENT.**

Adds section 10.5 to Article XI of the State Constitution providing that a city or county, including any chartered city or county, or public district, may not require its employees to be residents of such city, county, or district. Employees may be required to reside within a reasonable and specific distance of their place of employment or other designated location. Financial impact: None.

FINAL VOTE CAST BY LEGISLATURE ON ACA 103 (PROPOSITION 5):

ASSEMBLY—Ayes, 62
Noes, 2

SENATE—Ayes, 30
Noes, 2

Analysis by Legislative Analyst**PROPOSAL:**

At present, state law prohibits cities, counties, and districts from requiring their employees to reside in the city, county, or district where they work. This law does not apply to charter cities because the State Constitution gives charter cities the power to decide for themselves whether city employees must be residents. A number of charter cities require city employees to be residents.

The proposition would do the following:

1. It would prohibit any unit of local government—

including a charter city—from requiring its employees to be residents.

2. It would allow any local government to require its employees to live within a reasonable distance of their work.

3. It would prevent the Legislature from changing these provisions.

FISCAL EFFECT:

The measure does not affect state or local government revenues or expenditures.

Apply for Your Absentee Ballot Early

Text of Proposed Law

This amendment proposed by Assembly Constitutional Amendment 103 (Statutes of 1974, Resolution Chapter 93) expressly amends an existing article of the Constitution by adding a new section thereto. Therefore, the provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENT TO ARTICLE XI

SEC. 10.5. A city or county, including any chartered city or chartered county, or public district, may not require that its employees be residents of such city, county, or district; except that such employees may be required to reside within a reasonable and specific distance of their place of employment or other designated location.

Study the Issues Carefully

Residence of Local Government Employees

Argument in Favor of Proposition 5

Problem:

Of the 468 cities and counties in California, only eight charter cities have any provision requiring employees to reside within the community where they work.

Since 1970, California's 380 general law cities and counties have been prohibited by State law from imposing a residency requirement for employment. Because of a Constitutional inequity, charter cities and counties may still reasonably require that an employee live within the political boundary of those cities and counties.

Solution:

YOUR "YES" VOTE ON PROPOSITION 5 WILL CORRECT THIS INEQUITY.

Aside from the important question of an individual's freedom to live where he or she chooses within his or her economic means, the single and most important concern for Californians regarding the residency issue is its effect upon the number and quality of applicants for charter city and county employment. A good police officer, planner, fireman, engineer, paramedic, environmental standards supervisor or sanitation worker is hard to find even under the most favorable of conditions — bodies, yes; but qualified persons, no. Citizens of these communities deserve more than mere job occupants, they deserve quality employees. Residency requirements keep hundreds of highly qualified individuals from employment in those jurisdictions, and necessarily reduce the pool of quality personnel entering employment in those communities. Housing shortages and many other good reasons make it impossible for some employees to live inside the city.

One reason the Legislature banned residency requirements for general law cities and counties is that we also

see the residency law as a potential tool for setting up political machines. It is a way of keeping tabs on city employees to be sure they live in the city, register to vote, register with the "right" party and in fact do vote in the city. None of these things affect a person's job, but they might if a politician decided to use them.

Many municipalities spend a great deal of money training young people to be valuable long term employees only to lose them to other jurisdictions who pay the same salaries yet have no residency requirement.

YOUR "YES" VOTE WILL:

1. **REQUIRE** that all California cities and counties follow the same law on employee residency.
2. **INSURE** that cities and counties can hire the best qualified employees.
3. **KEEP POLITICAL SPOILS SYSTEMS OUT** of city and county government.
4. **END** the unreasonable restriction on citizens' freedom to live within their financial means in a home of their choice.
5. **ELIMINATE** the problems of chronic understaffing and deteriorating services in local governments as the result of a residency requirement.

The public's main concern is whether their employees are doing a good job. We think that freedom to recruit and employ the best people, no matter where they live, will help guarantee better city and county government.

HOWARD L. BERMAN
Assemblyman, 57th District

W. CRAIG BIDDLE
Senator, 36th District

EDWARD M. DAVIS
Chief of Police, City of Los Angeles

Rebuttal to Argument in Favor of Proposition 5

VOTE "NO" ON PROPOSITION 5.

We agree that citizens of California's cities deserve highly qualified employees. A residency requirement does not prevent recruitment anywhere, but simply provides that once individuals have accepted employment, they also accept the community employing them. Most qualified employees are, and can be, employed from among community residents. The few with special or technical skills required to be recruited from outside a city should become residents, but only if the voters of a city so require.

Residency requirements can insure that city employees have an interest in the city in which they work and

can help to build a solid and stable community and promote efficient and loyal public service.

VOTE "NO" ON PROPOSITION 5. It not only ties the hands of voters of cities who desire to require their employees to be residents, but it also prevents the Legislature itself from dealing with a very important economic and social problem.

CLARK L. BRADLEY
Senator, 14th District

TOM BRADLEY
Mayor, City of Los Angeles

JOHN J. MILLER
Assemblyman, 17th District

Residence of Local Government Employees

5

Argument Against Proposition 5

VOTE FOR HOME RULE.

VOTE "NO" ON PROPOSITION 5 AND RETAIN CONTROL OF CITY EMPLOYEES.

WE URGE A "NO" VOTE ON PROPOSITION 5.

Retain your right to require city employees to live with the people who pay both city taxes and employee salaries. Approval of this measure will permanently freeze in the Constitution a prohibition against such residence requirement notwithstanding community needs and desires.

VOTING "NO" ON PROPOSITION 5 will prevent the creation of a super-class of public employees who are willing to accept all the benefits of public employment, job security, high salaries, extensive pension, sick leave, medical, dental and other fringe benefits but who are unwilling to accept and share the responsibilities borne by the residents who employ them. We believe that public employees should be fully familiar with, and sympathetic to, the social, economic and cultural problems of the city by which they are employed. They should know and experience the same tax burdens borne by city residents. They should not be able to flee the

problems while accepting all of the benefits of such employment.

We agree that public employees, like all other employees, should have complete freedom to choose where they will live, but having made the choice to become an employee of a particular city, they also should be willing to reside in that city if the voters believe this is economically and socially desirable. The desire of firemen, for example, to live closer to moonlighting opportunities than to the people who employ them is understandable, but should not be guaranteed by the Constitution.

VOTE "NO" ON PROPOSITION 5. Don't remove your right to require public employees to accept responsibilities with their benefits.

CLARK L. BRADLEY
Senator, 14th District

TOM BRADLEY
Mayor, City of Los Angeles

JOHN J. MILLER
Assemblyman, 17th District

Rebuttal to Argument Against Proposition 5

Opponents of Proposition 5 want public employees to be sympathetic and responsive to a community's needs and problems. We agree. However, since poverty, unemployment and high taxes do not fit neatly into political boundaries, outdated residency requirements are totally irrelevant as solutions to these problems.

Equally important is a city's responsibility, as an employer, to be responsive to the needs of its employees. Housing shortages, particularly the lack of medium-priced housing, can be serious problems for employees restricted by arbitrary political boundaries. Should an employee who wishes to move outside city boundaries be forced to forfeit his job in order to do so?

We must not permit governmental agencies—through residency requirements—to restrict the basic freedoms which are so important to the American way of life. Proposition 5 would extend this freedom to the people of all cities and counties in California.

Local governments are responsible for supplying the highest quality service for the lowest cost. Clearly, it is in the best interests of any community to be able to hire employees from the largest pool of prospective employees.

A "YES" VOTE ON PROPOSITION 5 will do two important things:

- Assure California citizens that the highest quality applicants are available for city and county jobs; and
- Give all public employees the right to live where they choose.

HOWARD L. BERMAN
Assemblyman, 57th District

W. CRAIG BIDDLE
Senator, 36th District

EDWARD M. DAVIS
Chief of Police, City of Los Angeles

Ballot Title

PROPERTY TAX EXEMPTIONS. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Increases minimum permissible amount of homeowner's property tax exemption from \$750 to \$1,750 of assessed value of the dwelling. Requires Legislature to provide increased benefits to qualified renters comparable to any increase in the homeowner's exemption provided for by the Legislature. Provides that if Proposition 8 passes, the foregoing shall not become effective and the applicable minimum property tax exemption shall instead be \$7,000 of the full value of the dwelling. Financial impact: None in absence of increase by Legislature of homeowner's exemption.

FINAL VOTE CAST BY LEGISLATURE ON SCA 26 (PROPOSITION 6):

ASSEMBLY—Ayes, 66
Noes, 9

SENATE—Ayes, 27
Noes, 7

Analysis by Legislative Analyst

PROPOSAL:

If a person lives in a home that he or she owns, the Constitution now exempts from property taxes \$750 of that home's assessed value. The Constitution also allows the Legislature to increase the amount of this exemption. In 1972 the Legislature increased it to \$1,750.

Persons who rent a home do not pay property taxes directly and therefore do not receive a property tax exemption. To provide some equivalent benefit, renters are, however, entitled to a credit or refund of income taxes which varies from \$25 to \$45 per year depending on the amount of the renter's income.

This proposition will increase the homeowners' exemption in the Constitution from \$750 to \$1,750, so that it

will be the same as has been established by the Legislature, and will forbid the Legislature from reducing the exemption below \$1,750. The proposition also requires that a comparable benefit be given to renters if the homeowners' exemption is increased above \$1,750.

FISCAL EFFECT:

This proposition will have no direct effect on state costs or revenues because it conforms the Constitution to actions already in the statutes. If the Legislature increases the homeowners' exemption above \$1,750, the proposition will require increased state expenditures provide comparable benefits to renters. The amount of such expenditures will depend on the related increase in the homeowners' exemption.

Argument in Favor of Proposition 6

HOMEOWNERS: PROTECT YOUR HOMEOWNERS' PROPERTY TAX EXEMPTION!

RENTERS: PROTECT YOUR RIGHT TO INCOME TAX CREDIT OR REFUND!

VOTE YES ON PROPOSITION 6.

Here is an opportunity to guarantee that the present homeowners' exemption will not be reduced without a vote of the people. Reducing the homeowners' property tax exemption would increase homeowners' property taxes. Proposition 6 guarantees that the homeowners' exemption will not be reduced below its present level.

Here is an opportunity for the people to require the Legislature to recognize that renters pay property taxes through their rent payments. One reason for high rents is high property taxes. Proposition 6 guarantees that renters will participate in future property tax relief to homeowners.

The Homeowners' Exemption

In 1968 the people approved a ballot proposition creating the "homeowners' exemption". It was set at \$750, and the Legislature was authorized to increase the amount. In 1972 the amount was increased to \$1750 (of assessed value).

Homeowners claiming the exemption receive about \$200 in property tax relief annually. The homeowners' exemption results in revenue loss for local government. The state reimburses local government for the revenue loss. In the current budget year over \$600 million is being paid to local government as reimbursement.

Presently the Legislature has the power to reduce the exemption back to \$750. This could happen. Over \$300

million would become available to the State treasury. It would not technically be a "tax increase", but it would result in an increase in homeowners' property taxes of over \$100.

Proposition 6 will increase the constitutional minimum amount of exemption to \$1750, the current actual level. Before the Legislature can reduce the homeowners' exemption, it will have to go to the people with another ballot proposition for their approval.

Renters' Tax Relief

Both in 1968, when the homeowners' exemption was established by the people, and in 1972, when it was increased to its present level, the Legislature provided relief for renters too. In 1968 it was an increase in the standard deduction for individual income tax (generally only renters claim the standard deduction), and in 1972 it was in the form of a renters' tax credit on income tax, available only to renters. Approval of this proposition will require the Legislature, whenever it further increases the homeowners' exemption, to provide comparable benefits to renters, as defined by the Legislature.

FOR GREATER VOTER CONTROL OF TAXES ON YOUR HOME, VOTE FOR PROPOSITION 6.

NICHOLAS C. PETRIS
Senator, 11th District

JOHN A. NEJEDLY
Senator, 7th District

JOE A. GONSALVES
Assemblyman, 63rd District

No argument against Proposition 6 was submitted

See Page 70 for the Text of Proposition 6

Ballot Title

DECLARATION OF RIGHTS. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Reorganizes and substantively amends various provisions of Article I and relocates portions of Articles IV and XX of California Constitution. Amendments include, among others, right to interpreter at state expense for criminal defendant who cannot understand English, provision that court may grant release on own recognizance, provision that property rights of noncitizens to be the same as for citizens, and revision of eminent domain provisions. Deletes, among others, provisions respecting criminal libel actions, provisions regarding right to sell or rent real property, provisions concerning acquisition of lands for public improvements. Financial impact: No increase in government costs.

FINAL VOTE CAST BY LEGISLATURE ON ACA 60 (PROPOSITION 7):

ASSEMBLY—Ayes, 57
Noes, 16

SENATE—Ayes, 27
Noes, 4

Analysis by Legislative Analyst

PROPOSAL:

This proposition revises Article I of the State Constitution, which declares the fundamental rights of the people of the state. The proposition (1) deletes obsolete provisions, (2) clarifies existing law, (3) puts into the Constitution some rights which now exist in the federal Constitution, (4) defines the rights of those charged with crime, (5) authorizes the Legislature to revise eminent domain and grand jury proceedings, and (6) deletes material suitable for statutory enactment.

Obsolete Provisions Deleted. The proposition deletes two provisions from the California Constitution because the United States Supreme Court has found they conflict with the federal Constitution. One provision relates to trial court procedure when a person accused of a crime chooses not to testify on his own behalf. The other provision relates to discrimination in real estate transactions.

Clarification of Existing Law. First, the proposition says the noncitizens have the same property rights in California as citizens. Second, the proposition says that rights guaranteed by the State Constitution are not dependent on those guaranteed by the federal Constitution.

Federal Rights in State Constitution. The proposition puts the following three rights into the State Constitution. These rights presently are contained in the federal Constitution.

(a) The Legislature shall make no law respecting the establishment of religion.

(b) A person may not be deprived of life, liberty, or property without due process of law.

(c) A person may not be denied equal protection of the laws.

Rights of Persons Accused of Crime. Presently the State Constitution gives specific rights to persons accused of crime. This proposition adds the following:

(1) The accused person has the right to be confronted with the witnesses against him.

(2) The accused person has a right to have the assistance of a lawyer.

(3) The accused person has a right to be personally present with a lawyer at the trial.

(4) If the accused person does not understand English, he has the right to an interpreter.

(5) Instead of being released on bail prior to trial, the accused person may be released on his or her own recognizance at the discretion of the court.

These rights already exist either in the United States Constitution or in present law. The amendment makes them part of the California Constitution.

Revision of Eminent Domain Procedure. If a state or local government takes real property for public use, the owner of the property has a right to be compensated. If the owner of the property and the government disagree over the proper amount of compensation, the dispute is settled by a trial.

Presently, the government may take possession of the property before the trial takes place by depositing money with the court as security for payment. The court decides how much the security deposit must be. This procedure is called "immediate possession."

The present Constitution limits the power to take immediate possession to specified governments, in specified circumstances, and for specified uses. This proposition will allow the Legislature to determine when immediate possession may take place, and who may act as a condemnor.

Grand Juries. Presently the Constitution requires each county to summon a grand jury once each year. Without changing that requirement, this proposition allows the Legislature to provide for summoning more than one grand jury each year.

Deletion of Material Suited for Statutory Enactment. The proposition deletes from the Constitution (a) detailed rules of criminal indictment procedure and (b) detailed rules of procedure in criminal prosecutions for libel.

FISCAL EFFECT:

This proposition does not increase government costs.

Text of Proposed Law

This amendment proposed by Assembly Constitutional Amendment 60 (Statutes of 1974, Resolution Chapter 90) expressly amends existing articles of the Constitution by amending and repealing various sections thereof and adding sections thereto. Therefore, the provisions proposed to be deleted are printed in *strikeout type* and new provisions proposed to be inserted or added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENTS TO ARTICLES I, IV, AND XX

First—That Section 1 of Article I be repealed.

SECTION 1. All people are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing, and protecting property; and pursuing and obtaining safety, happiness, and privacy.

Second—That Section 1 of Article I be added, to read:

SECTION 1. All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy.

Third—That Section 2 of Article I be repealed.

SEC. 2. All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people; and they have the right to alter or reform the same whenever the public good may require it.

Fourth—That Section 2 of Article I be added, to read:

SEC. 2. Every person may freely speak, write and publish his or her sentiments on all subjects, being responsible for the abuse of this right. A law may not restrain or abridge liberty of speech or press.

Fifth—That Section 3 of Article I be added, to read:

SEC. 3. The people have the right to instruct their representatives, petition government for redress of grievances, and assemble freely to consult for the common good.

Sixth—That Section 4 of Article I be repealed.

SEC. 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be guaranteed in this State; and no person shall be rendered incompetent to be a witness or juror on account of his opinions on matters of religious belief, but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

Seventh—That Section 4 of Article I be added, to read:

SEC. 4. Free exercise and enjoyment of religion without discrimination or preference are guaranteed. This liberty of conscience does not excuse acts that are licentious or inconsistent with the peace or safety of the State. The Legislature shall make no law respecting an establishment of religion.

A person is not incompetent to be a witness or juror because of his or her opinions on religious beliefs.

Eighth—That Section 5 of Article I be repealed.

SEC. 5. The privilege of the writ of habeas corpus shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require its suspension.

Ninth—That Section 5 of Article I be added, to read:

SEC. 5. The military is subordinate to civil power. A standing army may not be maintained in peacetime. Soldiers may not be quartered in any house in wartime except as prescribed by law, or in peacetime without the owner's consent.

Tenth—That Section 6 of Article I be repealed.

SEC. 6. All persons shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed; nor shall cruel or unusual punishments be inflicted. Witnesses shall not be unreasonably detained; nor confined in any room where criminals are actually imprisoned.

Eleventh—That Section 6 of Article I be added, to read:

SEC. 6. Slavery is prohibited. Involuntary servitude is prohibited except to punish crime.

Twelfth—That Section 7 of Article I be repealed.

SEC. 7. The right of trial by jury shall be secured to all, and remain inviolate; but in civil actions three-fourths of the jury may render a verdict. A trial by jury may be waived in all criminal cases; by the consent of both parties, expressed in open court by the defendant and his counsel; and in civil actions by the consent of the parties, signified in such manner as may be prescribed by law. In civil actions and cases of misdemeanor, the jury may consist of twelve, or of any number less than twelve upon which the parties may agree in open court.

Thirteenth—That Section 7 of Article I be added, to read:

SEC. 7. (a) A person may not be deprived of life, liberty, or property without due process of law or denied equal protection of the laws.

(b) A citizen or class of citizens may not be granted privileges or immunities not granted on the same terms to all citizens. Privileges or immunities granted by the Legislature may be altered or revoked.

Fourteenth—That Section 8 of Article I be repealed.

SEC. 8. Offenses heretofore required to be prosecuted by indictment shall be prosecuted by information, after examination and commitment by a magistrate, or by indictment, with or without such examination and commitment, as may be prescribed by law. When a defendant is charged with the commission of a felony, by a written complaint subscribed under oath and on file in a court within the county in which the felony is triable, he shall, without unnecessary delay, be taken before a magistrate of such court. The magistrate shall immediately deliver to him a copy of the complaint, inform him of his right to the aid of counsel, ask him if he desires the aid of counsel, and allow him a reasonable time to send for counsel; and the magistrate must, upon the request of the defendant, require a peace officer to take a message to any counsel whom the defendant may name, in the city or township in which the court is situated. If the felony charged is not punishable with death, the magistrate shall immediately upon the appearance of counsel for the defendant read the complaint to the defendant and ask him whether he pleads guilty or not guilty to the offense charged therein; thereupon, or at any time thereafter while the charge remains pending before the magistrate and when his counsel is present, the defendant may, with the consent of the magistrate and the district attorney or other counsel for the people, plead guilty to the offense charged or to any other offense the commission of which is necessarily included in that with which he is charged; or to an attempt to commit the offense charged; and upon such plea of guilty, the magistrate shall immediately commit the defendant to the sheriff and certify the case, including a copy of all proceedings therein and such testimony as in his discretion he may require to be taken, to the superior court, and thereupon such proceedings shall be had as if such defendant had pleaded guilty in such court.

The foregoing provisions of this section shall be self-executing. The Legislature may prescribe such procedure in cases herein provided for as is not inconsistent herewith. In cases not hereinabove provided

Continued on page 70

Argument in Favor of Proposition 7

YOUR BILL OF RIGHTS

Proposition 7 contains most of the recommendations of the California Constitution Revision Commission for Article I. This proposal was adopted by the Legislature after 4 years of study and consideration in Committee and after answering the questions of all the individuals and organizations concerned with California's "Declaration of Rights" Article.

There is no known opposition to Proposition 7.

STRENGTHENS YOUR INDIVIDUAL RIGHTS

Proposition 7 revises Article I of the California Constitution by removing material that has been declared unconstitutional, or is not of constitutional importance. Proposition 7 contains all rights presently enjoyed by Californians and places in our State Constitution some of the rights enjoyed by Californians as citizens of the United States, but which are not presently in our State Constitution. For example, Proposition 7 adds to our Constitution the right of all Californians to due process of law, the right in a criminal proceeding to be confronted with witnesses, and a prohibition against the State's "establishment of religion". These rights and safe-

guards are not presently in the California Constitution, but should be.

VOTE "YES"

A "yes" vote will help modernize and shorten California's Constitution. It will help finish Constitution Revision which has been in process for nearly 10 years. Make sure that your rights are clearly and strongly stated. Join the many groups who support this revision of an important article of the Constitution. The organizations presently endorsing Proposition 7 include the League of Women Voters, both Houses of the State Legislature and other organizations and individuals interested in the protection of our society and the civil rights of all Californians.

Join us in a YES vote for better government.

JUDGE BRUCE SUMNER
Chairman, Constitution Revision Commission

KEN MEADE
Assemblyman, 16th District

ALAN ROBBINS
Senator, 22nd District

Rebuttal to Argument in Favor of Proposition 7

Though Proposition 7 streamlines some portions of our State Constitution, all rights enjoyed in the Federal Constitution are enjoyed by California citizens already since the Federal Constitution takes precedence over our State Constitution in all areas where they may conflict.

Because a court in California rules that a portion of the Constitution voted by the People is unconstitutional seems peculiar. The People have a right through their power of the vote to amend the Constitution.

Because a judge at a particular time says a part is unconstitutional does not preclude another judge or court from reversing the previous decision.

The controversial parts of this proposition should be separated from the noncontroversial, technical parts and presented separately for the voters.

A No vote is urged on this proposition.

ROBERT C. CLINE
Assemblyman, 64th District

Argument Against Proposition 7

Though the California Constitution appears to be long, it has been a thorough, workable document. Extensive revisions proposed in the past have been rejected by the People of California.

This proposal will remove the part of the Constitution voted for by the People to protect their right to sell **private property** to whomever they choose. Though the State Supreme Court invalidated this section, a new Court could reverse that position.

Let's not tamper with this section voted for by a 2-1 margin by the People. Many of the 49 changes proposed are technical and renumbering of existing sections. However, these should be voted separately.

Vote No on this proposition.

ROBERT C. CLINE
Assemblyman, 64th District

Rebuttal to Argument Against Proposition 7

The only argument that the opponents of this measure can present is that the people should keep in the constitution material declared unconstitutional years ago, not just by the California Supreme Court, but also by the United States Supreme Court.

Sounds ridiculous? It is.

California's history shows that its citizens have the capacity to grow. It also points out that we have made mistakes in the past like the internment of our Japanese American citizens and attempts to "keep the Okies out". Yes, we have even placed in our constitution provisions that "no corporation now existing or hereafter formed under the laws of this State shall . . . employ directly or indirectly in any capacity any Chinese or Mongolian" and a denial of the right to vote to all who were not "white male(s)". These provisions are relics of the past and

have no place in the document that school children look to as a truthful statement of our fundamental rights as citizens.

Shame on those that appeal to past bigotries to prevent our constitution from being an **accurate** statement of the fundamental law of California as it is today.

The "no" argument is really a strong argument "for" Proposition 7. If you don't agree, think about it. All the opponent can say is that the proposition is bad because it is the truth and the law.

JUDGE BRUCE W. SUMNER
Chairman, California Constitution Revision Commission

KEN MEADE
Assemblyman, 16th District

ALAN ROBBINS
Senator, 22nd District

Ballot Title

TAXATION AND STATE FUNDS. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Revises various articles of State Constitution relating to taxation generally, property taxation and exemptions therefrom, provisions for specially assessing property for tax purposes, and provisions for insurance, bank, corporation and income taxes and subventions to local government. Revises and transfers various provisions relating to the appropriation of state funds, taxation of property in redevelopment projects, investment of state funds and incurring of indebtedness by local bodies. Makes various other changes. Provides any conflicting constitutional provisions enacted at 1974 June primary or November general elections shall prevail over this measure. Financial impact: Minor if any effect on state and local costs and revenues.

FINAL VOTE CAST BY LEGISLATURE ON ACA 32 (PROPOSITION 8):

ASSEMBLY—Ayes, 63 SENATE—Ayes, 29
 Noes, 0 Noes, 1

Analysis by Legislative Analyst

PROPOSAL:

This proposition revises Article XIII of the State Constitution, which governs the taxing powers of state and local government.

It deletes obsolete provisions, clarifies wording, eliminates excess verbiage, and establishes a logical order for the article's provisions. The proposition makes other changes in the present Constitution, the most significant of which are the following:

1. Presently the Constitution authorizes the Legislature to exempt from property taxation up to \$10,000 of the assessed value of the home of a veteran who is blind or has lost the use of two or more limbs. The Legislature has currently established the exemption at \$10,000 of assessed value. This proposition extends this exemption to any totally disabled veteran and allows the Legislature to set the maximum amount of the exemption.

2. The present Constitution exempts from property taxation churches and other places of religious worship, except that if the church pays rent to the owner of the property, the exemption does not apply. This proposition changes this rule so that the exemption will apply to a place of religious worship whether it is rented or owned.

The present Constitution extends the place-of-religious-worship exemption to a parking lot if it is used by worshipers but not if it is used for purposes not connected with the church activity, such as public parking. This proposition provides that the exemption on the parking lot will not be lost if the church allows the lot to be used for other purposes, as long as the property is not used for commercial purposes.

3. The present Constitution exempts planted forest trees or naturally-seeded forest trees from property taxation until they are at least 40 years of age. As an alternative, this proposition allows the Legislature to establish

a nonproperty tax system for taxing forest trees or a system that combines property taxation and other forms of taxation. For example, the Legislature might tax forest trees at the time they are harvested. Under any alternative system, the land on which the trees grow would continue to be subject to property taxation.

If the Legislature establishes a new system for taxing forest trees, the proposition requires the Legislature (a) to exempt from taxation immature trees before they are harvested, (b) to restrict the use of forest land to forest purposes, and (c) to provide for forest land to be valued for property tax purposes on the basis of such restrictions.

4. The Constitution now provides that the state may levy a property tax. Under this provision, however, the burden of such a tax would not be equal throughout the state because county assessors revalue property at different intervals and use various standards to determine property values. In the event that a state property tax is enacted, this proposition requires the state to make adjustments so that the burden will be applied equally throughout the state.

5. The proposition allows the Legislature by a two-thirds vote to authorize counties to exempt from property taxation any real property whose value is so low that the tax is less than the cost of assessing and collecting the tax.

6. The veterans' exemption in the present Constitution draws certain distinctions between men and women. This proposition eliminates those distinctions.

FISCAL EFFECT:

The proposed amendment will have a minor effect, if any, on state and local costs and revenues.

Argument in Favor of Proposition 8

Proposition 8 revises Article XIII of our Constitution. This Article deals with the tax structure. Though the proposal shortens the Article by 8,200 words, it makes only technical changes in the Constitution and clarifies the meaning of existing sections.

Proposition 8 is a part of the continuing program for constitutional revision that has resulted in more than one half of California's Constitution being rewritten. This measure originated in the Constitution Revision Commission. The Commission's recommendations were further refined by a blue ribbon "task force" made up of staff from both Houses of the Legislature, the Department of Finance, and a group of outside experts. The result was this non-controversial measure which was adopted by both Houses of the Legislature with only one dissenting vote.

The purpose of this amendment is not to make a change in our present tax structure, but to make the Con-

stitution more readable and workable. To accomplish this goal, some of the present provisions are transferred to statute. None of these transferred provisions, however, are of a substantive nature. This means that the essence of the present Article is retained, but made more understandable.

There is no known opposition to this Proposition. If you favor a more readable and workable Constitution, and would like to see this lengthy Article shortened from 13,700 words to 5,500 words, vote "Yes" on Proposition 8.

JUDGE BRUCE W. SUMNER, Chairman
Constitution Revision Commission

EVELYN P. KAPLAN, President
League of Women Voters of California

ASSEMBLYMAN JOE A. GONSALVES, Chairman
Assembly Committee on Revenue and Taxation

No argument against Proposition 8 was submitted

See Page 72 for the Text of Proposition 8

Study the Issues Carefully

Ballot Title

RECALL OF PUBLIC OFFICERS. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Repeals existing and enacts new Article XXIII of State Constitution, relating to recall of elective public officers and election of successors in event of recall. Provides for recall elections of State officers upon petition signed by specified percentages of electors who voted for the office at last election with Governor to set election dates, and Legislature to provide for circulation, filing, certification of petitions, nomination of candidates, and recall election. State officer not recalled shall be reimbursed for recall election expenses. Legislature shall provide for recall of local officers. Financial impact: Local government costs will be increased to the extent recalls of local officials are increased.

FINAL VOTE CAST BY LEGISLATURE ON ACA 29 (PROPOSITION 9):

ASSEMBLY—Ayes, 71
Noes, 2

SENATE—Ayes, 28
Noes, 3

Analysis by Legislative Analyst

PROPOSAL:

The State Constitution presently contains a recall procedure which allows voters to remove a state elected official from office before the official's term of office has ended. It provides also for the recall of city and county elected officials and requires the Legislature to enact a specific procedure for this purpose.

Clarification of Existing Law. This proposition clarifies the recall provisions of the Constitution. It also states concisely the number of signatures necessary for a recall petition.

Time Limit. The Constitution does not now include a time limit in which to gather petition signatures. The proposition limits this time to 160 days.

Time of Recall. Under the present Constitution, a recall action cannot be started against an elected official until the official has held office for at least six months, or, if the official is a state legislator, for five days. The

proposition will eliminate these "grace" periods so that a recall action can be started immediately following an official's election.

Procedural Details. Many of the procedural details of recall actions can be placed in statutory law, rather than in the Constitution. The proposition removes procedural details from the Constitution, and a bill passed by the Legislature in 1974 (AB 483, Chapter 233) will place these matters into statutory law if this proposition is adopted by the voters.

Enlarging the Right of Recall. The proposition makes all local officials subject to recall rather than just officers of cities and counties.

FISCAL EFFECT:

To the extent that making all local officials subject to recall increases the number of recall elections, additional local costs will be incurred.

Text of Proposed Law

This amendment proposed by Assembly Constitutional Amendment 29 (Statutes of 1974, Resolution Chapter 52) expressly repeals an existing article of the Constitution and adds a new article thereto; therefore, existing provisions proposed to be repealed are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type*.

PROPOSED AMENDMENTS TO ARTICLE XXIII

First—That Article XXIII is repealed.

ARTICLE XXIII

RECALL OF PUBLIC OFFICERS

SECTION 1. Every elective public officer of the State of California may be removed from office at any time by the electors entitled to vote for a successor of such incumbent, through the procedure and in the manner herein provided for, which procedure shall be known as the recall, and is in addition to any other method of removal provided by law.

The procedure hereunder to effect the removal of an incumbent of an elective public office shall be as follows: A petition signed by electors entitled to vote for a successor of the incumbent sought to be removed, equal in number to at least twelve per cent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies *(provided that if the officer sought to be removed is a State officer who is elected in any political subdivision of the State, said petition shall be signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty per cent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies)* demanding an election of a successor to the officer named in said petition, shall be addressed to the Secretary of State and filed with the clerk, or registrar of voters, of the county or city and county in which the petition was circulated; *provided that if the officer sought to be removed was elected in the State at large such petition shall be circulated in not less than five counties of the State, and shall be signed in each of such counties by electors equal in number to not less than one per cent of the entire vote cast, in each of said counties, at said election, as above estimated. Such petition shall contain a general statement of the grounds on which the removal is sought, which statement is intended solely for the information of the electors, and the sufficiency of which shall not be open to review.*

When such petition is certified as is herein provided to the Secretary of State, he shall forthwith submit the said petition, together with a certificate of its sufficiency, to the Governor, who shall thereupon order and fix a date for holding the election, not less than sixty days nor more than eighty days from the date of such certificate of the Secretary of State.

The Governor shall make or cause to be made publication of notice for the holding of such election, and officers charged by law with duties concerning elections shall make all arrangements for such election and the same shall be conducted, returned, and the result thereof declared, in all respects as are other State elections. On the official ballot at such election shall be printed, in not more than two hundred words, the reasons set forth in the petition for demanding his recall. And in not more than three hundred words there shall also

be printed, if desired by him, the officer's justification of his course in office. Proceedings for the recall of any officer shall be deemed to be pending from the date of the filing with any county, or city and county clerk, or registrar of voters, of any recall petition against such officer; and if such officer shall resign at any time subsequent to the filing thereof, the recall election shall be held notwithstanding such resignation, and the vacancy caused by such resignation, or from any other cause, shall be filled as provided by law; but the person appointed to fill such vacancy shall hold his office only until the person elected at the said recall election shall qualify.

Any person may be nominated for the office which is to be filled at any recall election by a petition signed by electors, qualified to vote at such recall election, equal in number to at least one per cent of the total number of votes cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies. Each such nominating petition shall be filed with the Secretary of State not less than twenty-five days before such recall election.

There shall be printed on the recall ballot, as to every officer whose recall is to be voted on thereat, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of the office)?", following which question shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each, in which the voter shall indicate, by stamping a cross (X), his vote for or against such recall. On such ballots, under each such question, there shall also be printed the names of those persons who have been nominated as candidates to succeed the person recalled; in case he shall be removed from office by said recall election; but no vote cast shall be counted for any candidate for said office unless the voter also voted on said question of the recall of the person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If a majority of those voting on said question of the recall of any incumbent from office shall vote "No", said incumbent shall continue in said office. If a majority shall vote "Yes", said incumbent shall thereupon be deemed removed from such office, upon the qualification of his successor. The canvassers shall canvass all votes for candidates for said office and declare the result in like manner as in a regular election. If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be thereby declared elected, for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within ten days after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law.

Any recall petition may be presented in sections; but each section shall contain a full and accurate copy of the title and text of the petition. Each signer shall add to his signature his place of residence, giving the street and number, if such exist. His election precinct shall also appear on the paper after his name. The number of signatures appended to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified elector of the State shall be competent to solicit such signatures within the county, or city and county, of which he is an elector. Each section of the petition shall bear the name of the county, or city and county in which it is circulated, and only qualified electors of such county or city and county shall be competent to sign such section. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same stating his qualifications and that all the signatures to the

Continued on page 86

Argument in Favor of Proposition 9

Proposition 9 continues the work of the Constitution Revision Commission in modernizing our State Constitution so that it can be understood by the average citizen.

In the proposal, the mechanics of recalling public officials are set forth in clear and simple language. All basic rights are retained in more understandable form while technical detail, which does not belong in a constitution, is transferred to the statutes.

A YES vote on Proposition 9 will apply the people's right to recall public officials more uniformly and will clarify the signature-gathering process. It will also eliminate inequities in the existing "grace period," which is the time between an officer's election and the time when a recall drive may begin.

The approval of this proposition will not increase the cost of government, but will strengthen and protect the right of the people to recall state officers.

A YES vote on Proposition 9 will continue the job of revision begun several years ago to modernize our State Constitution so that it will be a clear, concise, and work-

able statement of fundamental law for all of the people of California.

Passage of Proposition 9 will shorten the State Constitution by reducing the Recall Article from 2100 to 320 words.

Proposition 9 is a nonpartisan measure that passed both houses of the Legislature with only five dissenting votes. The proposition is supported by the League of Women Voters, the League of California Cities, and various consumer groups.

Vote YES on Proposition 9 to make sure that your rights are safeguarded and cannot be taken from you by language that is confusing, ambiguous and unclear. Help make California's government more efficient and effective.

BARRY KEENE
Assemblyman, 2nd District

DIXON ARNETT
Assemblyman, 26th District

JUDGE BRUCE W. SUMNER
Chairman, Constitution Revision Commission

Rebuttal to Argument in Favor of Proposition 9

Simply shortening the State Constitution is no virtue, especially when such action dangerously threatens the people's fundamental right of recall.

We do not agree that the "technical detail" which is removed by this proposal from the Constitution "does not belong" there. So long as these details, which we view as vital, are in the Constitution, they may be changed only by the people.

Placing these "details" in the statutes allows them to be changed by the legislature, whose members themselves are subject to recall.

And, we fail to see how Proposition 9 serves to "clarify the signature-gathering process," when the specifics of the present Constitution dealing with this subject are simply removed.

Nor can we agree that governmental costs will not be increased by this proposal. The indirect costs re-

sulting from the possible establishment of cumbersome procedures and an inability to quickly and easily recall an irresponsible public official are too high.

The work of the Constitution Revision Commission has been rejected by the voters before, and we urge you to again turn down this attempt to transfer power from you, the electorate, to the legislature. The people must retain specific authority over this basic protection.

Recall of elected public officials is too important to trust to politicians. We urge a "NO" vote on Proposition 9.

JOHN STULL
Senator, 38th District

MIKE D. ANTONOVICH
Assemblyman, 43rd District

Argument Against Proposition 9

Proposition 9 represents a dangerous assault upon the people's basic protection against unscrupulous public officials—the right to recall.

It removes from the State Constitution such specific provisions and procedures as the means of circulating recall petitions, printing on the ballot of reasons for the recall and the accused official's response to those charges, and the manner in which a person may be nominated for the office which is to be filled at the recall election.

Rather than retaining these vital procedures in the Constitution, where they can only be changed by a vote of you, the people, Section 4 of this proposal gives control of these matters to the legislature, whose members may change them by majority vote.

And, legislators themselves are subject to recall.

DON'T LOSE THIS NEEDED PROTECTION FOR THE PEOPLE

More specifically, the proposed changes remove the affirmative statement that "every elective public officer of the State of California may be removed from office at any time by the electors . . ." This is a needed protection for the people—and a warning to politicians—which deserves to be spelled out and locked in the Constitution.

VOID BALLOT WORDING CONFUSION

Additionally, Proposition 9 would remove the specific wording of recall ballot measures from the State Con-

stitution. This is undesirable because it would thus become all too easy for the legislature to prescribe a method whereby a "yes" vote would mean "no" on recall and a "no" vote would mean "yes" on recall. Ballot wording is all too often confusing, and constitutional protections are needed to insure that the crucial question of recall be presented to the people in a straightforward manner, as currently provided.

In summary, then, the desirability of "updating" the State Constitution should not be allowed to overshadow the need of the people to preserve their fundamental rights and freedoms. Transferring authority from the people to the legislature may be advisable in some instances, but certainly not when the subject is recall of public officials, including legislators themselves.

And finally, we are today seeing an increasing trend by federal, state and local elected officials to create appointive boards and commissions. The members of such bodies are immune from direct voter accountability. Because the people are losing access to such appointed policymakers, we should be strengthening, rather than weakening, the ability of the people to control their elected public officials.

Thus, we ask for your "NO" vote on Proposition 9.

JOHN STULL
Senator, 38th District

MIKE D. ANTONOVICH
Assemblyman, 43rd District

Rebuttal to Argument Against Proposition 9

Far from being an assault on the right of recall, Proposition 9 strengthens it as follows:

1. The right of recall is **EXTENDED BY CONSTITUTIONAL GUARANTEE BEYOND REACH OF THE LEGISLATURE** to include not only state officials, but also local officials.

2. It **ELIMINATES THE PERIODS DURING WHICH OFFICEHOLDERS, INCLUDING LEGISLATORS, ARE CONSTITUTIONALLY IMMUNE** from recall.

3. The time allowed for gathering signatures and the amount necessary are for the first time clearly spelled out **TO ELIMINATE THE DISCOURAGING UNCERTAINTY** that has effectively prevented exercise of the recall right in many cases.

4. The Secretary of State is required to maintain a continuous count of signatures gathered **TO ELIMINATE THE GUESSWORK** that discourages recall petitioners.

It is not true that the removal of detail weakens fundamental rights. "Detail" in the Constitution so obscures those rights, so confuses the basic recall machinery, and so resists sensible updating that it effectively denies the right in many instances. Proof of this is that no statewide officeholder has ever been recalled in the history of California.

Proposition 9 retains all the necessary requirements for recall and, as the impartial analysis in the pamphlet points out, the effect of this proposal is that of "enlarging the right of recall." That is the intention and that is the effect.

BARRY KEENE
Assemblyman, 2nd District

DIXON ARNETT
Assemblyman, 26th District

JUDGE BRUCE W. SUMNER
Chairman, Constitution Revision Commission

Ballot Title

RIGHT TO VOTE. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Amends Article II, section 3, and Article XX, section 11, of the State Constitution to eliminate provisions disqualifying electors convicted of an infamous crime, embezzlement or misappropriation of public money and to now provide for the disqualification of an elector while mentally incompetent, or imprisoned or on parole for the conviction of a felony. Financial impact: Minor increase in county government costs.

FINAL VOTE CAST BY LEGISLATURE ON ACA 38 (PROPOSITION 10):

ASSEMBLY—Ayes, 56
 Noes, 12

SENATE—Ayes, 27
 Noes, 8

Analysis by Legislative Analyst**PROPOSAL:**

The California Constitution requires the Legislature to pass laws to prevent persons convicted of specified crimes from voting. The Constitution does not allow the Legislature to restore voting rights to such persons when their prison sentences have been completed. The loss of the right to vote continues throughout life, unless restored by pardon.

This proposition will require the Legislature to pass laws which deny the right to vote to persons when they are in prison or on parole for committing a felony. The right of convicted felons to vote would be restored, however, when their prison sentences, including time on parole, have been completed.

FISCAL EFFECT:

The cost effect of this proposition would be on county government and would be minor, if any.

Polls are open from 7 A.M. to 8 P.M.

Text of Proposed Law

This amendment proposed by Assembly Constitutional Amendment 38 (Statutes of 1974, Resolution Chapter 89) expressly amends existing sections of the Constitution; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be inserted or added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENTS TO ARTICLES II AND XX

First—That Section 3 of Article II be amended to read:

SEC. 3. The Legislature shall prohibit improper practices that affect elections and shall provide ~~that no severely mentally deficient person, insane person, person convicted of an infamous crime, nor person convicted of embezzlement or misappropriation of public money, shall exercise the privileges of an elector in this state for the~~ *disqualification of electors while mentally incompetent or imprisoned or on parole for the conviction of a felony.*

Second—That Section 11 of Article XX is amended to read:

SEC. 11. Laws shall be made to exclude ~~from office, serving on juries, and from the right of suffrage,~~ persons convicted of bribery, perjury, forgery, malfeasance in office, or other high crimes ~~from office or serving on juries.~~ The privilege of free suffrage shall be supported by laws regulating elections and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

Remember to Vote on Election Day

Tuesday, November 5, 1974

Argument in Favor of Proposition 10

VOTING—"A FUNDAMENTAL RIGHT"

The right to vote is the essence of a democratic society and any restrictions on that right strike at the heart of representative government. Historically, voting has long been considered "a fundamental right" diligently sought by those excluded from its exercise. Indeed, our Declaration of Independence repeatedly condemns oppression of the right to vote. Restricted exercise of "a fundamental right," when the need for restriction no longer exists, is unfair and abusive.

NUMEROUS COUNTIES HAVE RESTORED RIGHT

Many California counties have restored the right to vote to ex-felons. Others have not. Even among counties restoring the right, there is wide variation in the offenses which allow restoration. Thus, an offense which bars voting in one county is no bar in another. To base the exercise of so fundamental a right on the good fortune to reside in one county as opposed to another is blatantly arbitrary and does violence to the most basic concept of fairness and equal protection of the law. Uniform application of law, to insure equal treatment, demands restoration of this "fundamental right" throughout the State.

HISTORICAL NEED TO RESTRICT RIGHT TO VOTE IS GONE

Historically, exclusion of ex-felons from voting was based on a need to prevent election fraud and protect the integrity of the elective process. The need to use this voter exclusion no longer exists. As a unanimous California Supreme Court recently pointed out, in the *Ramirez* case, modern statutes regulate the voting process in detail. Voting machines and other safeguards, combined with a variety of criminal penalties, effectively prevent election fraud. **Permanent loss of the right to vote is not necessary to achieve this goal!**

DEBT TO SOCIETY FULLY PAID—CONTINUED PUNISHMENT UNFAIR

An ex-felon returned to society and released from parole has fully paid the price society has demanded. A basic sense of justice demands that a person not be punished repeatedly, for a lifetime, by denying the right to vote.

DETERS REINTEGRATION INTO SOCIETY

The objective of reintegrating ex-felons into society is dramatically impeded by continued restriction of the right to vote. This restriction is a lifelong reminder of second class citizenship—inferiority—often because of one mistake committed years earlier. The daily lives of all citizens are deeply affected and changed by the decisions of government. Full citizen participation in these decisions should be encouraged, not prevented. This participation—electing responsive officials, voting in local school board elections on issues directly affecting the education of our children, expressing views on state-wide issues of major significance—all this is precluded by this unnecessary restriction. The President's Commission on Law Enforcement and the Administration of Justice and the President's Commission on the Causes and Prevention of Violence, have strongly endorsed full voting rights for ex-felons. A majority of states, including four that have restored the right since 1972, allow ex-felons to vote. So should we. Let us eliminate this needless restriction. **VOTE "YES" ON PROPOSITION 10!**

JULIAN C. DIXON
Assemblyman, 63rd District

GEORGE R. MOSCONE
Senator, 10th District

EVELYN P. KAPLAN
President, League of Women Voters of California

Rebuttal to Argument in Favor of Proposition 10

The real question here is whether the State of California should grant a blanket, automatic restoration of voting rights to each and every person convicted of a felony on the very day he is released from prison.

There is already in the law a procedure whereby a person may file with the County to restore his voting rights. If denied, he may appeal to the Superior Court of the county in which he resides.

It is a "fundamental" point in our history whereby people who have committed serious crimes can have

their voting rights taken away. This point is spelled out in the United States Constitution and has been there for over 100 years.

Based on the fact there presently is a restoration procedure available, and denial of the vote does serve to maintain the honor and integrity of the electoral process, I urge a "no" vote on Proposition 10.

JOHN V. BRIGGS
Assemblyman, 35th District

Argument Against Proposition 10

The critical question raised by this proposition is whether or not a person who has been convicted of a serious crime should be allowed to vote once that person has served time and has completed parole.

Denial of the vote to convicted felons is a deep-rooted tradition in this country and is as much a part of discipline as is imprisonment. A "no" vote will strengthen respect for the law and provide society with one more weapon with which to discourage potential offenders.

Proponents of this measure argue that to deny the vote to convicted felons is a violation of the "equal protection" clause of the 14th Amendment of the U. S. Constitution. Their case is heavily dependent upon a Cali-

fornia State Supreme Court case which agreed that it was unconstitutional for states to enact laws denying the vote to criminals.

However, the United States Supreme Court reversed the California decision and stated that it was perfectly proper for a state to take the vote away from those citizens who had committed serious crimes and who are likely to ruin the integrity of the electoral process.

I, therefore, strongly urge a "no" vote on this proposition.

JOHN V. BRIGGS
Assemblyman, 35th District

Rebuttal to Argument Against Proposition 10

Denial of the right to vote is not necessary to protect the election process. Restoration of voting rights is based on logic and fairness, not, as opponents suggest, on narrow legal questions. Opponents misstate the court decisions. The U.S. Supreme Court did not overrule the

California Court's holding that modern election safeguards protect the integrity of the election process. It returned the case to the California Supreme Court to further review the equal protection argument.

Change in response to new conditions is rooted in American tradition. Twenty-seven of the fifty states, including five within the past three years, have fully restored voting rights to ex-felons in recognition that modern safeguards protect the integrity of the election process and that continued restriction, when no longer needed, seriously diminishes respect for the law. Similarly, Congress recently restored ex-felon voting rights in the District of Columbia.

Virtually every serious study on this subject strongly endorses full voting rights for ex-felons. For example,

the President's Commission on Law Enforcement and the Administration of Justice; The American Law Institute; and The National Probation and Parole Association all strongly endorse full voting rights for ex-offenders.

Further, a recent national survey of American attitudes toward voter eligibility disclosed that 81% of Chamber of Commerce presidents, 88% of Labor Council presidents, 75% of mayors, 65% of Republican Party chairmen, 93% of League of Women Voters, 80% of Democratic Party chairmen and 68% of American Legion commanders endorsed ex-felon voting rights.

VOTE "YES" ON PROPOSITION 10!

JULIAN C. DIXON
Assemblyman, 63rd District

GEORGE R. MOSCONE
Senator, 10th District

EVELYN P. KAPLAN
President, League of Women Voters of California

MISCELLANEOUS LANGUAGE CHANGES REGARDING GENDER

Ballot Title

MISCELLANEOUS LANGUAGE CHANGES REGARDING GENDER. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Amends Constitution to recast various terms presently couched in the masculine gender to refer to the "person" or official referred to and makes other minor, nonsubstantive language changes. Financial impact: none.

FINAL VOTE CAST BY LEGISLATURE ON ACA 99 (PROPOSITION 11):

ASSEMBLY—Ayes, 65
Noes, 0

SENATE—Ayes, 27
Noes, 8

Analysis by Legislative Analyst

PROPOSAL:

When the present State Constitution uses masculine words like "he" or "his", the words apply both to men and women. This constitutional amendment takes these masculine words out of the Constitution and replaces them with words which draw no distinction between men and women.

For example, the term "workmen's compensation" is changed to "workers' compensation". "Congressman" is

changed to "representative in Congress". "Assemblymen" is changed to "members of the Assembly". "Chairman" is changed to "presiding officer". Instead of referring to the Governor as "he", the amendment repeats the word "Governor".

FISCAL EFFECT:

This measure has no effect on state or local government revenues or expenditures.

Apply for Your Absentee Ballot Early

Text of Proposed Law

This amendment proposed by Assembly Constitutional Amendment 99 (Statutes of 1974, Resolution Chapter 96) expressly amends existing sections of the Constitution; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be inserted or added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENTS TO ARTICLES II, IV, V, VI, IX, XIV, XX, AND XXIV

First—That Section 4 of Article II is amended to read:

SEC. 4. The Legislature shall provide for primary elections for partisan offices, including an open presidential primary whereby the candidates on the ballot are those found by the Secretary of State to be recognized candidates throughout the nation or throughout California for the office of President of the United States, and those whose names are placed on the ballot by petition, but excluding any candidate who has withdrawn by filing an affidavit ~~that he is not a~~ *candidate of noncandidacy*.

Second—That Section 2 of Article IV is amended to read:

SEC. 2. (a) The Senate has a membership of 40 Senators elected for 4-year terms, 20 to begin every 2 years. The Assembly has a membership of 80 ~~Assemblymen~~ *members* elected for 2-year terms. Their terms shall commence on the first Monday in December next following their election.

(b) Election of ~~Assemblymen~~ *members of the Assembly* shall be on the first Tuesday after the first Monday in November of even-numbered years unless otherwise prescribed by the Legislature. Senators shall be elected at the same time and places as ~~Assemblymen~~ *members of the Assembly*.

(c) A person is ineligible to be a member of the Legislature unless ~~he the person~~ is an elector and has been a resident of ~~his the~~ *legislative* district for one year, and a citizen of the United States and resident of California for 3 years, immediately preceding ~~his the~~ *election*.

(d) When a vacancy occurs in the Legislature the Governor immediately shall call an election to fill the vacancy.

Third—That Section 10 of Article IV is amended to read:

SEC. 10. (a) Each bill passed by the Legislature shall be presented to the Governor. It becomes a statute if ~~he signs it is signed~~ *by the Governor*. ~~He The Governor~~ may veto it by returning it with ~~his any~~ *any* objections to the house of origin, which shall enter the objections in the journal and proceed to reconsider it. If each house then passes the bill by rollcall vote entered in the journal, two thirds of the membership concurring, it becomes a statute. A bill presented to the Governor that is not returned within 12 days becomes a statute; provided, that any bill passed by the Legislature before September 1 of the second calendar year of the biennium of the legislative session and in the possession of the Governor on or after September 1 that is not returned by the Governor on or before September 30 of that year becomes a statute. The Legislature may not present to the Governor any bill after November 15 of the second calendar year of the biennium of the legislative session. If the Legislature by adjournment of a special session prevents the return of a bill with the veto message, the bill becomes a statute unless the Governor vetoes the bill within 12 days by depositing it and the veto message in the office of the Secretary of State.

Any bill introduced during the first year of the biennium of the legislative session that has not been passed by the house of origin by the thirtieth day of January of the second calendar year of the biennium may no longer be acted on by the house. No bill may be passed by either house on or after September 1 of an even-numbered year except statutes calling elections, statutes providing for tax levies or appropriations for the usual current expenses of the State, and urgency statutes, and bills passed after being vetoed by the Governor.

(b) The Governor may reduce or eliminate one or more items of appropriation while approving other portions of a bill. ~~He The Governor~~ shall append to the bill a statement of the items reduced or eliminated with the reasons for ~~his the~~ *the* action. The Governor shall transmit to the house originating the bill a copy of ~~his the~~ *the* statement and reasons. Items reduced or eliminated shall be separately reconsidered and may be passed over the Governor's veto in the same manner as bills.

Fourth—That Section 12 of Article IV is amended to read:

SEC. 12. (a) Within the first 10 days of each calendar year, the Governor shall submit to the Legislature, with an explanatory message, a budget for the ensuing fiscal year containing itemized statements for recommended state expenditures and estimated state revenues. If recommended expenditures exceed estimated revenues, ~~he the Governor~~ shall recommend the sources from which the additional revenues should be provided.

(b) The Governor and the Governor-elect may require a state agency, officer or employee to furnish ~~him~~ *whatever* information ~~he deems~~ *is deemed* necessary to prepare the budget.

(c) The budget shall be accompanied by a budget bill itemizing recommended expenditures. The bill shall be introduced immediately in each house by the ~~chairmen of persons chairing~~ *committees that consider appropriations*. The Legislature shall pass the budget bill by midnight on June 15 of each year. Until the budget bill has been enacted, the Legislature shall not send to the Governor for consideration any bill appropriating funds for expenditure during the fiscal year for which the budget bill is to be enacted, except emergency bills recommended by the Governor or appropriations for the salaries and expenses of the Legislature.

(d) No bill except the budget bill may contain more than one item of appropriation, and that for one certain, expressed purpose. Appropriations from the General Fund of the State, except appropriations for the public schools, are void unless passed in each house by rollcall vote entered in the journal, two thirds of the membership concurring.

Fifth—That Section 13 of Article IV is amended to read:

SEC. 13. A member of the Legislature may not, during the term for which ~~he the member~~ is elected, hold any office or employment under the State other than an elective office.

Sixth—That Section 15 of Article IV is amended to read:

SEC. 15. A person who seeks to influence the vote or action of a member of the Legislature in ~~his the member's~~ *the member's* legislative capacity by bribery, promise of reward, intimidation, or other dishonest means, or a member of the Legislature so influenced, is guilty of a felony.

Seventh—That Section 21 of Article IV is amended to read:

SEC. 21. To meet the needs resulting from war-caused or enemy-caused disaster in California, the Legislature may provide for:

(a) Filling the offices of members of the Legislature should at least one fifth of the membership of either house be killed, missing, or disabled, until they are able to perform their duties or successors are elected.

Continued on page 87

Argument in Favor of Proposition 11

Proposition 11 removes from the State Constitution references to the male gender and substitutes language which does not refer specifically to either men or women.

For example, a woman is able to run for and may be elected to the governorship or to any other statewide office. Yet, the State Constitution presently describes the Governor, Lt. Governor, Secretary of State and Attorney General as "he". Proposition 11 simply changes these references to "the Governor," "the Lt. Governor," etc.

Both men and women work in our society. However, the Constitution specifies a system of "workmen's compensation." This Constitutional amendment substitutes a more accurate characterization, "workers' compensation."

Other references throughout the Constitution presently cast as "he," "his" or "him" are re-cast by more specific references which are impartial in nature.

Proposition 11 makes no changes in the substance of the State Constitution. Rather, it recognizes that both men and women have an equal opportunity to participate in the political process.

As such, it should be approved by all Californians.

ALAN SIEROTY
Assemblyman, 59th District

ANITA MILLER
California Commission on the Status of Women

DONALD L. GRUNSKY
Senator, 17th District

Rebuttal to Argument in Favor of Proposition 11

The State Constitution already recognizes that both men and women have an equal opportunity to participate in the political process, since it gives members of both sexes equal rights to such participation. Thus, there is no reason to give further recognition.

Words such as "workmen's compensation" and such references as "he," "his," and "him" are part of the way the English language is normally used. Any book, magazine, newspaper, or dictionary will show this. There is

no necessity to change English usage in order to recognize equal rights.

Proponents of Proposition 11 admit that it makes no substantive changes in the State Constitution. We are already burdened by too many meaningless banalities coming from the government. We should not add more. Vote No.

TIMOTHY D. WEINLAND
*Law Student, University of the Pacific-
McGeorge School of Law*

Argument Against Proposition 11

Proposition 11 would recast various masculine terms in the law to a neuter gender. This is an attempt to artificially change word usage in the English language in order to satisfy persons who believe that use of masculine terms in a general sense discriminates against women. Such an allegation is absurd. Use of masculine terms in the law came from the fact that such terms are part of the normal usage of the English language in our society and are in no way discriminatory. For example, *The American Heritage Dictionary of the English Language* includes among its definitions of the word "man" the following: "Any human being, regardless of sex or age; a member of the human race; a person." Thus, the

law has only made use of the normal terms in the English language and there is no reason to change such language.

Such a change would not only make for a confusing air of artificiality, but would divert attention from the real problem involved. If there is discrimination against women, then the solution is to change attitudes and substantive laws. To change language will not change anyone's mind. Don't make artificial changes in the English language. Don't ignore the real problem involved. Vote No.

TIMOTHY D. WEINLAND
*Law Student, University of the Pacific-
McGeorge School of Law*

No rebuttal to the argument against Proposition 11 was submitted

Remember to Vote on Election Day

Tuesday, November 5, 1974

Ballot Title

PUBLIC UTILITIES. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Repeals and reenacts Article XII relating to regulation of public utilities. Transfers to Article XX certain provisions relating to franchises. Grants Legislature plenary power to confer additional authority on Public Utilities Commission. Permits Commission to establish own procedures subject to statute and due process. Gives Commission authority to fix rates, establish rules, do other things, and prescribe uniform system of accounts for all utilities. Deletes provisions authorizing Legislature to divide state into districts and other provisions relating to members of Commission; deletes provisions relating to rate discrimination. Declares no substantive changes intended by this amendment. Financial impact: None.

FINAL VOTE CAST BY LEGISLATURE ON ACA 36 (PROPOSITION 12):

ASSEMBLY—Ayes, 66
Noes, 0

SENATE—Ayes, 27
Noes, 1

Analysis by Legislative Analyst

PROPOSAL:

This proposition would shorten, eliminate obsolete provisions, and simplify Article XII of the State Constitution relating to the Public Utilities Commission. The Public Utilities Commission, created in 1911, is responsible for regulating the rates and service standards of privately owned public utilities such as truck, bus, airline, pipeline, electric, telephone, gas and warehouse companies. The Legislature has broad authority under Article XII to give regulatory power to the commission. Many statutes have been enacted for this purpose.

In its present form, Article XII describes in considerable detail such matters as the creation of the commission, the division of the state into districts for the purpose of making appointments to the commission, the terms of office of persons originally appointed, designation of a quorum for purposes of conducting business, conflicts of interest of persons appointed to the commission, and prohibition against rate or fare discrimination by railroads and other transportation companies. This proposition deletes the obsolete provisions relating to the creation of the commission and restates in brief form the provisions relating to vacancies, conflicts of interest and rate discrimination. More detailed provisions on these and other matters will become a part of the statutory law under a measure enacted by the current Legislature (AB 4024, Chapter 489) which will become effective if the voters approve this proposition.

In describing the power of the Public Utilities Commission to fix rates of charges for public utilities, Article XII presently makes specific reference only to the rates charged by "railroads and other transportation companies." The rates charged by other types of utilities are subject to regulation under other provisions of Article XII and by statutes enacted by the Legislature. This proposition transfers from the statutes to the Constitution general authority for the commission to fix the rates, establish rules, and regulate all public utilities rather than just railroads and transportation companies. This proposition also transfers from the statutes to the Constitution a provision allowing the commission to establish its own regulatory procedures, subject to statutory requirements enacted by the Legislature and due process of law.

The net effect of this proposition is to shorten, modernize and clarify existing constitutional and statutory provisions relating to the procedures and powers of the commission. This is accomplished by retaining brief, general provisions in the Constitution and placing detailed provisions in the statutory law.

FISCAL EFFECT:

The proposition has no fiscal effect on state or local governments.

Argument in Favor of Proposition 12**NEED FOR A CHANGE**

Proposition 12 is an important rewriting of Article XII of the State Constitution. That article created the Public Utilities Commission in 1911 and has unfortunately evolved through the years into an incomprehensible and tangled mass of words containing much unnecessary detail. There are provisions that are inconsistent with one another or so ambiguous that even lawyers cannot understand them and must go to court to have their meaning determined. How then can the average citizen hope to grasp the mechanisms through which his utility rates are set and to whom he should turn to resolve problems in his relationship with telephone, electric, gas, and water utilities, or with transportation companies?

STREAMLINING EFFECT OF PROPOSITION

Proposition 12 will decrease the number of words in Article XII by about 80% and will modernize the language so that people can read and understand its meaning. It will set forth with certainty the independent constitutional authority of the Public Utilities Commis-

sion to regulate public utilities and it will strengthen that authority by more clearly defining the Commission's powers and jurisdiction. Meaning will no longer be obscured by unnecessary complexity and detail.

WIDE RANGE OF SUPPORT

A "yes" vote on Proposition 12 will modernize Article XII of our State Constitution by making it much shorter and more readable. It will increase the independence and power of the Public Utilities Commission over the utilities under its jurisdiction. We know of no opposition. Proposition 12 is supported by the League of Women Voters and other good government groups. We urge your "yes" vote on Proposition 12.

BARRY KEENE
Assemblyman, 2nd District

JUDGE BRUCE SUMNER
Chairman, Constitution Revision Commission

W. CRAIG BIDDLE
Senator, 36th District

No argument against Proposition 12 was submitted

See Page 89 for the Text of Proposition 12

Ballot Title

SAN DIEGO COUNTY JUDICIAL DISTRICTS. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Adds section 5.5 to Article VI of the State Constitution to permit any city in San Diego County to be divided into more than one municipal court or justice court district if the Legislature determines unusual geographic conditions warrant such division. Financial impact: None.

FINAL VOTE CAST BY LEGISLATURE ON ACA 104 (PROPOSITION 13):

ASSEMBLY—Ayes, 62
 Noes, 0

SENATE—Ayes, 27
 Noes, 4

Analysis by Legislative Analyst**PROPOSAL:**

The Constitution requires the Legislature to provide for the division of each county in the state into court districts. Districts having a population of more than 40,000 are municipal court districts. Districts having a population of 40,000 or less are justice court districts. The Constitution prohibits the Legislature from dividing a city into more than one district.

This proposition allows the Legislature to divide any city in San Diego County into more than one municipal

or justice court district if unusual geographic conditions justify the division.

FISCAL EFFECT:

This proposition does not affect state or local costs because the Legislature presently has authority to change municipal and justice court district boundary lines. It simply gives the Legislature greater flexibility in drawing such boundary lines.

Apply for Your Absentee Ballot Early

Text of Proposed Law

This amendment proposed by Assembly Constitutional Amendment 104 (Statutes of 1974, Resolution Chapter 94) expressly amends an existing article of the Constitution by adding a new section thereto. Therefore, the provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENT TO ARTICLE VI

SEC. 5.5. Notwithstanding the provisions of Section 5, any city in San Diego County may be divided into more than one municipal court or justice court district if the Legislature determines that unusual geographic conditions warrant such division.

Study the Issues Carefully

Argument in Favor of Proposition 13

Proposition 13 will permit the Legislature to solve a very unique geographical problem in San Diego County. The proposition is limited to that county **only**.

Due to the fact that the city limits of the City of San Diego stretch all the way from the Mexican border to Escondido, it is presently impossible to establish a compact municipal court system in the South Bay area — which includes four smaller cities and the extreme southern tip of San Diego.

Approval of Proposition 13, together with further legislative approval, will allow consolidation of two small judicial districts into a compact South Bay Judicial District, covering all the territory lying between the Mexican border and the main part of the City of San Diego.

Proposition 13 has the support of all mayors and city councils in the South Bay area, as well as the county board of supervisors, the South Bay Bar Association, and all the chambers of commerce of the area.

A vote in favor of Proposition 13 is a vote for simpler and **more efficient administration of justice** in this part of San Diego County.

WADIE P. DEDDEH
Assemblyman, 80th District

JAMES R. MILLS
President pro Tempore, California State Senate

THOMAS D. HAMILTON
Mayor, City of Chula Vista

No rebuttal to the argument in favor of Proposition 13 was submitted

Remember to Vote on Election Day

Tuesday, November 5, 1974

Argument Against Proposition 13

HELP OUR CITIES! VOTE "NO" ON PROPOSITION 13!

Vote "NO" to strengthen city government and prevent a city from being divided into several court districts.

Vote "NO" to keep politics out of the courts.

Vote "NO" on this local matter that has no place in our Constitution.

THE PROPOSAL JEOPARDIZES THE EFFICIENT OPERATION OF CITY GOVERNMENT.

The existing Constitution prevents a city from being divided into more than one municipal or justice court district. This protects the integrity of local city government. It helps police departments and city administrators to have a single court.

This proposal would allow any city in San Diego County to be divided into several court districts. This is disruptive of local city government and should not be permitted.

This proposal in reality is an attempt by a few politicians and lawyers to establish a separate court in an area presently served by the excellent San Diego Municipal Court. To use the State Constitution to address purely local matters like this is an abuse of the constitutional process. If it were wise to permit cities to be so divided, it ought to be permitted throughout the State. Such division of our cities clearly would not be in the best interests of the citizens of California.

THE PROPOSAL INJECTS POLITICS INTO THE ADMINISTRATION OF JUSTICE.

To give the Legislature power to divide any city into any number of judicial districts subjects the efficient administration of justice to division for political reasons and

the ambitions of a few lawyers. It undoes years of successful efforts to remove the courts from politics. The necessity of keeping the courts free from political pressure and personal ambition is greater now than ever before. Every citizen must protect the integrity of his courts. The administration of justice should not be subjected to these political pressures.

THE PROPOSAL IS DISRUPTIVE OF EFFICIENT COURT ADMINISTRATION.

The California courts have achieved a national reputation for excellence. Because of the high cost of the courts, and the need for innovative solutions to increasing caseloads, the trend in court reform is to unify functions.

This proposal would permit a small court to be established in the South Bay Area of San Diego County when there is an excellent 22-judge court now serving that area. To go back to the obvious inefficiencies of an undersized court which cannot balance its caseload, or adopt efficiencies of specialization, is to go in the opposite direction and fly in the face of logic and experience.

Local differences of opinion on where facilities should be built, or who should pay for it, do not justify a sweeping constitutional amendment which can jeopardize our excellent court system. To use the Constitution for local matters, or to let local matters jeopardize the judicial system of the State, is unwarranted.

The existing Constitution offers sufficient flexibility to serve local needs. This proposal is unnecessary and injects confusion and political pressure where least desired. VOTE "NO" ON PROPOSITION 13.

SENATOR ALFRED H. SONG
Chairman, Senate Judiciary Committee

Rebuttal to Argument Against Proposition 13

With all due respect to the distinguished chairman of the Senate Judiciary Committee, we must reject his argument against Proposition 13.

The city boundary lines of San Diego are truly unique. The southern tail of that city is connected to San Diego proper only by a narrow strip UNDER miles of water of the San Diego Bay.

Proposition 13 is needed to **help settle**—not cause—the arguments that have gone on in the area for many years.

We agree that the courts should be removed from politics—and that includes local politics as well as state. Proposition 13 will help create a compact judicial district based on sensible geography and community of interest—not on ever changing city boundary lines.

Courtrooms should be centrally located—for the benefit of everybody, lawyers, witnesses, plaintiffs, defendants, and the local press.

Proposition 13 will help policemen do the important job in the South Bay communities they serve, instead of spending their time travelling to distant court facilities as is currently the case.

The present language of the constitution was written long before cities began to annex odd-shaped pieces of territory. Your approval of Proposition 13 will allow the Legislature, at some future time, to shape a South Bay Judicial District to the **needs of people**—not judges.

Proposition 13 is a local issue, and it reflects the desire of the people affected.

Vote YES on Proposition 13, please.

WADIE P. DEDDEH
Assemblyman, 80th District

JAMES R. MILLS
President pro Tempore, California State Senate

THOMAS D. HAMILTON
Mayor, City of Chula Vista

Ballot Title

STATE COLLEGE SYSTEM. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Amends Article XX, section 23, of State Constitution to make president pro tempore of Senate an ex officio member, having equal rights and duties with nonlegislative members, of any state agency created by Legislature in field of public higher education which is charged with management, administration and control of State College System of California. Financial impact: Minor, if any, state costs.

FINAL VOTE CAST BY LEGISLATURE ON ACA 88 (PROPOSITION 14):

ASSEMBLY—Ayes, 56	SENATE—Ayes, 27
Noes, 13	Noes, 0

Analysis by Legislative Analyst**PROPOSAL:**

At present the California State University and Colleges (CSUC) system is governed by 21 trustees. Five of these are trustees because of other offices they hold. These are (1) the Governor, (2) the Lieutenant Governor, (3) the Superintendent of Public Instruction, (4) the Speaker of the Assembly, and (5) the appointed chief executive officer of the CSUC system. The 16 other members are appointed to eight-year terms by the Governor with the approval of the Senate.

This proposition increases the number of trustees from 21 to 22, the added position to be the President pro Tempore of the State Senate. The President pro Tempore of the Senate is elected by his fellow Senators and among other duties serves as chairman of a five-member Rules Committee which has as its primary function management of the Senate's business.

FISCAL EFFECT:

Addition of this position to the CSUC board of trustees will result in minor, if any, state cost.

Study the Issues Carefully

Text of Proposed Law

This amendment proposed by Assembly Constitutional Amendment 88 (Statutes of 1974, Resolution Chapter 49) expressly amends an existing section of the Constitution; therefore, new provisions proposed to be inserted are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENT TO ARTICLE XX

SEC. 23. Notwithstanding any other provision of this Constitution, the Speaker of the Assembly *and the President pro Tempore of the Senate* shall *each* be an ex officio member, having equal rights and duties with the nonlegislative members, of any state agency created by the Legislature in the field of public higher education which is charged with the management, administration, and control of the State College System of California.

Remember to Vote on Election Day

Tuesday, November 5, 1974

Argument in Favor of Proposition 14

A yes vote on **Proposition 14** will add the President pro Tempore of the State Senate to the Board of Trustees of the California State University and Colleges. This board governs the largest system of higher education in the country—our nineteen state universities and colleges.

The Governor, Lt. Governor, Speaker of the Assembly, and Superintendent of Public Instruction are already ex officio members of the Board of Trustees. In addition, there are sixteen public members appointed by the Governor for eight-year terms.

Proposition 14 was recommended by a joint legislative committee after an intensive two-year study of California higher education. The committee considered several alternatives for the composition of this governing board, including removal of all ex officio members. Granting there is some risk of politicizing governing boards by their presence, these boards have tremendous impact on state educational policy, and there is more value in having some members who are directly responsible to the people of California.

Proposition 14 provides for appropriate ex officio membership from both the executive and legislative branches of government.

The Speaker of the Assembly sits on the board as the chosen leader of the Assembly. The Lt. Governor sits on the Board of Trustees because of his role as President of the Senate. But, unlike the Speaker, the Lt. Governor is not elected by his colleagues and has little or no day-to-day contact with the body he supposedly represents.

The President pro Tempore of the Senate is a more appropriate legislative representative. He is the elected leader of all our senators—both Republican and Democratic.

THE GOVERNOR AND LT. GOVERNOR FUNCTION ON THE BOARD OF TRUSTEES AS REPRESENTATIVES OF THE EXECUTIVE BRANCH OF GOVERNMENT. PROPOSITION 14 PROVIDES FOR ADEQUATE AND APPROPRIATE REPRESENTATION FOR THE LEGISLATIVE BRANCH AS WELL.

JOHN VASCONCELLOS
Assemblyman, 24th District

WILLIE L. BROWN, JR.
Assemblyman, 18th District

HOWARD WAY
Senator, 15th District

Rebuttal to Argument in Favor of Proposition 14

The proponents of Proposition 14 concede there is more value in having some members on the CSUC Board of Trustees who are directly responsible to the people of California, **YET THEY ARE PROPOSING TO PLACE ON THE BOARD A MEMBER WHO IS ELECTED BY ONLY ONE OF 40 SENATORIAL DISTRICTS WITHIN THE STATE!**

The proponents acknowledge the risk of "politicizing" the CSUC Board of Trustees by the presence of ex officio members, **YET THEY ARE WILLING TO COMPOUND THE POTENTIAL FOR POLITICAL INFLU-**

ENCE ON THE BOARD BY PLACING ANOTHER POLITICIAN AMONG ITS MEMBERS!

Vote NO on Proposition 14 and prevent unnecessary and arbitrary imbalancing of membership on the CSUC Board of Trustees.

Vote NO on Proposition 14 to prevent greater potential of undesirable political influence by a member who is not elected by the people of the entire State of California.

JOHN L. E. "BUD" COLLIER
Republican Nominee, 61st Assembly District

Argument Against Proposition 14

VOTE AGAINST POLITICS IN CALIFORNIA POSTSECONDARY EDUCATION!

VOTE "NO" ON PROPOSITION 14.

California's institutions of postsecondary education must be kept free from political pressures. The people of California must ensure they have their interests represented in the governance of the California State Universities and Colleges. Arbitrary, political changes in composition of the governing boards of California's institutions of higher education must not be permitted. The defeat of this Proposition will guarantee continued representation of the people of California on the Board of Trustees of the California State Universities and Colleges.

THE PROBLEM:

The membership of the Board of Trustees of the CSUC should not be arbitrarily imbalanced by replacing the Lieutenant Governor, who is the **President** of the California State Senate, with the **President pro Tempore** of the Senate. The Lieutenant Governor has been a member of the Trustees of California State University and Colleges since the system formation in 1951. In 1970, the voters passed a constitutional amendment which authorized the Speaker of the Assembly, the presiding officer of that body, to be a voting member of the Trustees. Thus, the presiding members of both houses of the legislature are members of the Board of Trustees, and also are members of the Board of Regents of the University of California. Proposition 14 would upset this balance and revise the membership unnecessarily.

Replacing a representative of the people of the entire State of California with a representative of a single senatorial district arbitrarily denies the taxpayers, who support the CSUC, representation on the Board of Trustees which they have enjoyed for over 23 years. The Lieutenant Governor is elected by the people of the entire

state. The President pro Tempore of the Senate is elected only by the electorate of a senate district, and would be more prone to pressure politics by the academic community.

THE REASONS FOR THE PROBLEM:

Membership on the Board of Trustees of the CSUC is an important position in regard to establishing future goals and directions of many of California's postsecondary educational institutions. The path of least resistance for a politician to obtain membership on the Board, without having to answer to a large segment of the public, is via the office of the President pro Tempore of the Senate.

THE SOLUTION:

YOUR "NO" VOTE ON PROPOSITION 14 WILL:

1. Retain on the Board of Trustees of the CSUC a representative elected by the people of the State.
2. Maintain balance on the Board by retaining the membership of the presiding officers of the State Senate and Assembly.
3. Prevent an arbitrary, political, and unnecessary change in the membership of the Board.

YOUR "NO" VOTE WILL DEFEAT A LAW:

1. Reducing the voice of the people on the Board of Trustees of the CSUC.
2. Placing a member on the Board who would be prone to political pressures by the academic community.
3. Arbitrarily changing the membership of the Board of the CSUC.

I URGE YOU TO VOTE "NO" ON PROPOSITION 14.

JOHN L. E. "BUD" COLLIER
Republican Nominee, 61st Assembly District

Rebuttal to Argument Against Proposition 14

Don't be fooled by the opposition argument. It is **incorrect** and **misleading**. Proposition 14 neither removes nor replaces the Lt. Governor as a member of our State University and Colleges Board of Trustees. This measure has **nothing** to do with inserting politics into California postsecondary education. It is supported by a strong majority of legislators—Republicans and Democrats alike.

The opposition argument is based on the erroneous statement that the Lt. Governor would no longer be a member of the Board. **Proposition 14 deletes no one; it merely adds one member**, the President pro Tempore of the Senate. The President pro Tempore is the elected leader of all our state senators; he is an appropriate legislative representative. The Lt. Governor is a representative of the Executive branch of government.

Proposition 14 is not an arbitrary political change. It results from a careful two-year study of California postsecondary education by a bipartisan committee.

Certainly, the independence of postsecondary education from partisan politics must be preserved. Likewise, our institutions of postsecondary education must be protected from dominance by either the Legislature or Executive. The Governor and Lt. Governor serve on the board which governs our state universities and colleges. Additionally, the Governor appoints 16 members of the 21-member board. A yes vote on Proposition 14 will provide for appropriate representation of the legislative branch of government as well.

VOTE "YES" ON PROPOSITION 14.

JOHN VASCONCELLOS
Assemblyman, 24th District

WILLIE L. BROWN, JR.
Assemblyman, 18th District

HOWARD WAY
Senator, 15th District

Ballot Title

LOW RENT HOUSING. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Repeals Article XXXIV of the State Constitution prohibiting any state public body from developing, constructing or acquiring a low rent housing project, as defined, until a majority of the electors of the city, town, or county, as the case may be, where the project is or will be located votes in favor thereof. Financial impact: Increased expenditures in amount determinable only by experience.

FINAL VOTE CAST BY LEGISLATURE ON ACA 40 (PROPOSITION 15):

ASSEMBLY—Ayes, 57
Noes, 16

SENATE—Ayes, 28
Noes, 9

Analysis by Legislative Analyst**PROPOSAL:**

The State Constitution now provides that the state or a local government cannot develop, construct, or acquire a low-rent housing project until an election is held in the city, town, or county where the project is to be located and the voters approve it. A low rent housing project is defined to be a government-aided development composed of apartments or other living quarters for persons or families who do not have enough income to live in decent, safe, uncrowded and sanitary homes.

This proposition would remove the requirement for approval by a vote of the people of the city, town, or county where such a project is to be located.

FISCAL EFFECT:

To the extent that removal of the required approval by vote of the people makes it easier to establish low rent housing, this proposition would result in increased public expenditures. The extent of such increase can be determined only by experience.

Polls are open from 7 A.M. to 8 P.M.

Text of Proposed Law

This amendment proposed by Assembly Constitutional Amendment 40 (Statutes of 1974, Resolution Chapter 80) expressly repeals an existing article of the Constitution; therefore, existing provisions proposed to be repealed are printed in ~~strikeout type~~.

PROPOSED REPEAL OF ARTICLE XXXIV

ARTICLE XXXIV

PUBLIC HOUSING PROJECT LAW

SECTION 1. No low rent housing project shall hereafter be developed, constructed, or acquired in any manner by any state public body until, a majority of the qualified electors of the city, town or county, as the case may be, in which it is proposed to develop, construct, or acquire the same, voting upon such issue, approve such project by voting in favor thereof at an election to be held for that purpose, or at any general or special election.

For the purposes of this article the term "low rent housing project" shall mean any development composed of urban or rural dwellings, apartments or other living accommodations for persons of low income, financed in whole or in part by the Federal Government or a state public body or to which the Federal Government or a state public body extends assistance by supplying all or part of the labor, by guaranteeing the payment of liens, or otherwise. For the purposes of this article only there shall be excluded from the term "low rent housing project" any such project where there shall be in existence on the effective date hereof, a contract for financial assistance between any state public body and the Federal Government in respect to such project.

For the purposes of this article only "persons of low income" shall mean persons or families who lack the amount of income which is necessary (as determined by the state public body developing, constructing, or acquiring the housing project) to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding.

For the purposes of this article the term "state public body" shall mean this State, or any city, city and county, county, district, authority, agency, or any other subdivision or public body of this State.

For the purposes of this article the term "Federal Government" shall mean the United States of America, or any agency or instrumentality, corporate or otherwise, of the United States of America.

SEC. 2. The provisions of this article shall be self-executing but legislation not in conflict herewith may be enacted to facilitate its operation.

SEC. 3. If any portion, section or clause of this article, or the application thereof to any person or circumstance, shall for any reason be declared unconstitutional or held invalid, the remainder of this article, or the application of such portion, section or clause to other persons or circumstances, shall not be affected thereby.

SEC. 4. The provisions of this article shall supersede all provisions of this Constitution and laws enacted thereunder in conflict therewith.

Argument in Favor of Proposition 15

Proposition 15 would provide options to local government to insure that all of its citizens have access to safe and adequate housing.

Article 34 is obsolete. Proposition 15 would repeal Article 34 of the State Constitution, added in 1950. For 24 years, local governments have faced a **cumbersome, costly and unnecessary roadblock** when attempting to offer safe and decent housing to persons living on low incomes. **No other state constitution contains a similar provision.**

Over 80% of the low rent housing constructed in California in recent years has been built for the elderly; yet, 300,000 elderly persons are still in need of safe and decent housing at a rent they can afford to pay. They are among the victims of Article 34's mandated referendum on low rent housing. Article 34 has meant the loss of millions of dollars in federal money. This money could have been spent on quality low rent housing for families as well as for the elderly and the disabled.

Article 34 may interfere with state homeownership loan programs. Housing costs have skyrocketed and many moderate income families need government-assisted loans to purchase homes. The ability of the Legislature to expand home ownership and rehabilitation loan programs is clouded by the vague wording of Article 34, according to legal experts.

Both the League of California Cities and the California Supervisors Association urge a "yes" vote on Proposition 15. While the federal government pays as much as 90% of the total development cost of public housing, full local control and local approval have been required by federal law since 1937. This means a majority vote of a City Council or County Board of Supervisors approving any low rent housing project within their respective jurisdictions, as well as approval of the local Planning Commission and adherence to local zoning and

building laws. Article 34 requires a referendum before any government agency can construct or buy housing units for persons who cannot otherwise afford decent, safe and sanitary housing. This requirement adds nothing to local government control and the cost and delay have seriously interfered with local government's ability to meet local needs.

A vote for Proposition 15 to repeal this unworkable and unnecessary part of our Constitution would be a vote to:

1. Open up avenues for utilizing federal money that would be under **local control**, for the construction of low rent housing.
2. Doing away with an unnecessary and costly election process. (**Election costs are borne by you—the Taxpayer!**)
3. Returning to locally-elected leaders, such as City Councilmen and County Supervisors, an added tool in meeting community housing needs.
4. **Create More Jobs** in the construction industry.
5. Provide individuals in need with safe and decent housing.

The construction industry needs more jobs. The elderly and other low income persons need adequate housing. Article 34, has channeled California's share of federal funds, badly needed for both purposes, to other states. Its repeal is long overdue. **VOTE "YES" ON PROPOSITION 15.**

WILLIE L. BROWN, JR.
Assemblyman, 18th District

PETER H. BEHR
Senator, 4th District

JOHN F. HENNING
*Executive Secretary
California Labor Federation, AFL-CIO*

Rebuttal to Argument in Favor of Proposition 15

By voting "yes" on Proposition 15, you would **not** insure adequate housing for Californians in need. Rather you would lose your constitutional control over local development and taxation.

Proposition 15 would **not** bring millions of dollars in federal revenue into California. There is currently no federal money available for tax-exempt public housing, nor is there any in sight for the future.

The wording of Article XXXIV is not "vague". It simply requires voter approval for any tax-exempt public housing which necessitates irreversible and significant increases in community taxes.

Nor has it interfered with local government's ability to meet community housing needs. Since its institution, more than 70 percent of all proposed housing has been approved by voters, demonstrating that housing proposals, when warranted, will be given taxpayer endorsement.

There are currently many alternative programs which provide safe and decent housing for our elderly and low-

income citizens. Unlike conventional public housing, however, these projects are not tax-exempt and contribute their fair share to local tax revenues. And because they require no local tax increases, they are not subject to referendum.

The elections now required to approve conventional housing are **not** unnecessary. They insure you, as a taxpayer, the right to approve housing programs which entail large, irreversible expenditures of your tax money, as well as affect the future development of your community.

By voting "yes" on Proposition 15, you would be surrendering your constitutional control over community development and taxation.

For continued local control, vote "no" on Proposition 15.

MIKE D. ANTONOVICH
Assemblyman, 43rd District

Argument Against Proposition 15

California voters currently have a constitutional right to either approve or disapprove the construction of tax-exempt, conventional public housing projects in their communities. A "yes" vote on Proposition 15 would repeal this right.

The principle of local control over the development and financing of low-income housing is well established under our constitution. In 1971, the United States Supreme Court ruled that the present provision for voter approval was constitutional when it declared: "This procedure ensures that all the people of a community will have a voice in a decision which may lead to large expenditures of local revenues. It gives them a voice in decisions that will affect the future development of their own community. This procedure for democratic decision-making does not violate the constitutional command that no state shall deny to any person 'the equal protection of the laws'."

Currently, proposals for the long-term financing of schools, public hospitals, city halls, and a host of other public building projects which cannot be financed from the current budgets of governmental agencies, must be submitted to local voters for approval under an automatic referendum process. A similar approval process, requiring a simple majority vote, also applies to conventional public housing projects.

When such a project is established in a community, the community must contract with the federal government to provide all normal municipal services. Because these projects are exempt from local taxation, the com-

munity at large must bear the financial responsibility for supplying these services. Although the community does receive governmental payments in lieu of local taxes, the payments are less than the amount which would be received from conventional taxation. In order to fully finance necessary services, then, the community must increase property taxes, sales taxes, or other local levies.

By repealing Article XXXIV of the state constitution, local residents would not only surrender their control over community growth and development, but over local taxation as well.

It is important to understand that the constitutional provision which Proposition 15 seeks to repeal applies only to conventional public housing which is publicly owned and tax-exempt. It does not apply to other low-income housing programs for which the housing remains on the tax rolls and, therefore, contributes its fair share to the financial obligations of the community.

Where low-income housing projects have succeeded, they have had the full endorsement of local residents. A "yes" vote on Proposition 15 would make such community endorsements IMPOSSIBLE. The people ought to retain final authority approving or disapproving low-income housing for their community, and not the City Council or Board of Supervisors whose decisions are not subject to referendum. Therefore, I urge you to vote "no" on Proposition 15.

MIKE D. ANTONOVICH
Assemblyman, 43rd District

Rebuttal to Argument Against Proposition 15

Although the opponent's argument cites constitutional grounds to support his statement, clearly this does not mean that it is necessarily in the best interest of good government.

Our opponent makes no attempt to deal with the very important issue of representative government. The passage of Proposition 15 would restore to local authorities the same kind of control they have traditionally exercised over other important local matters. If the opponent's position were sound, costly elections would be required to ratify every decision made by locally elected officials.

Do not be misled—this Proposition does not take away your right to vote on bond issues. To draw a parallel between this process and the costly referendum mandated by Article 34 is most misleading. Instead, a "yes" vote on Proposition 15 would strengthen your local government by returning to your locally elected officials the authority to act to meet a community need.

Although publicly-owned housing will indeed remove certain property from the tax rolls, normally the agreement with the governmental agency will provide for a reimbursement to the local community for the actual cost of supplying certain governmental services. It is erroneous to presume that the amount of payment will be less than the cost of services supplied. It is certainly erroneous and misleading to conclude that the community would have to increase property taxes, sales taxes, or other levies. Under existing state law, property taxes cannot be raised without voter approval, and raising sales taxes requires approval of the Legislature.

We urge you to vote "yes" on Proposition 15.

WILLIE L. BROWN, JR.
Assemblyman, 18th District

PETER H. BEHR
Senator, 4th District

JOHN F. HENNING
*Executive Secretary-Treasurer
California Labor Federation, AFL-CIO*

Ballot Title

STUDENT TUITION, UNIVERSITY OF CALIFORNIA. LEGISLATIVE CONSTITUTIONAL AMENDMENT. Adds section 9.1 to Article IX of the State Constitution to empower the Legislature to determine whether students enrolled in state-supported regular academic terms at the University of California shall be charged for instruction and instructional facilities and the amount of such charges. Charges established by the Regents and in effect shall remain in force until acted upon by the Legislature. Financial impact: None in absence of exercise of power conferred on Legislature; if Legislature acts, financial impact will be dependent on type of action taken.

FINAL VOTE CAST BY LEGISLATURE ON ACA 85 (PROPOSITION 16):

ASSEMBLY—Ayes, 54
Noes, 12

SENATE—Ayes, 31
Noes, 5

Analysis by Legislative Analyst**PROPOSAL:**

Presently the Constitution does not allow the Legislature to decide whether tuition for instructional services shall be charged at the University of California. The Board of Regents of the University of California decides whether tuition will be charged and how much it will be.

This proposition will require the Legislature to decide whether tuition for instructional services shall be charged at the University of California, and, if so, how much the tuition shall be. The proposition does not affect fees for noninstructional services which are determined by the Board of Regents.

FISCAL EFFECT:

If the Legislature does not exercise the power to determine the extent to which tuition will be used to pay instructional costs as provided in this proposition, the

proposition will have no effect on state revenues or costs. On the other hand, if the Legislature sets a smaller tuition fee than that which the Board of Regents now charges, revenue for the University will decrease. In that case, the Legislature might make up the decrease from other state revenue sources or might require the University to cut back on its expenditures. If the Legislature sets a larger tuition fee than that set by the Board of Regents, revenue for the University will increase. In that case the Legislature might cut back on state money going to the University so that its program level would not increase, or the Legislature might allow the University to use the added revenue to increase its programs.

The University presently charges tuition of less than \$45 million annually for instructional purposes. The exact amount is unknown because no legislative definition of instructional services exists.

Text of Proposed Law

This amendment proposed by Assembly Constitutional Amendment 85 (Statutes of 1974, Resolution Chapter 91) expressly amends an existing article of the Constitution by adding a new section thereto. Therefore, the provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENT TO ARTICLE IX

SEC. 9.1. The Legislature shall determine whether students enrolled in state-supported regular academic terms and programs at the University of California shall be charged for instruction and instructional facilities, and the amount of any such charges. Any such charges which have been established by the Regents of the University of California and which are in force at the time this section becomes effective, shall remain in force until acted upon by the Legislature.

Polls are open from 7 A.M. to 8 P.M.

Argument in Favor of Proposition 16

Proposition 16 transfers the authority to levy student charges for instruction and instructional facilities—tuition—at the University of California from the U.C. Board of Regents to the state legislature. This measure does not alter the level of fees currently charged. It is not opposed by the Board of Regents or by any other group or agency.

California has a three-segment system of public higher education: the University of California, the California State University and Colleges, and the California Community Colleges. For coherent and consistent state policy, the authority to levy student charges at all public institutions should reside in one agency. The Legislature has always had the responsibility for determining the level of student fees at the California State University and Colleges and the community colleges.

When an individual governing board (such as the Regents) can levy charges independently, without regard to the impact on other institutions and state student financial aid programs, the prospects for rational state planning and coordination are diminished. Unilateral board action to raise tuition could result in denying access to qualified students. Other students would require

additional financial aid, thus utilizing a larger proportion of funds in the state scholarship program. Still more students could be diverted to the community colleges, causing an increase in property taxes. Thus, the Regents' action can affect programs and institutions for which they have no responsibility.

The levels of student charges at public educational institutions are matters of public policy. Tuition, in essence, is a form of taxation. Matters of public policy and taxation should be resolved by the elected representatives of the people, the Legislature.

This measure is neither pro-tuition nor anti-tuition. It simply reflects the belief that major public policy decisions should be made by your elected representatives. That way, you have some control. Accordingly, Proposition 16 shifts the responsibility for determining the level of student fees from the Board of Regents to the Legislature.

VOTE "YES" ON PROPOSITION 16.

JOHN VASCONCELLOS
Assemblyman, 24th District

HOWARD WAY
Senator, 15th District

Rebuttal to Argument in Favor of Proposition 16

It seems to us that the proponents' arguments for this proposition made by Senator Howard Way and Assemblyman John Vasconcellos are contradictory. If, as they say this measure does not empower the Legislature to alter the tuition fees set by the Regents, what does it do? They admit the measure empowers the legislature to control the charges for tuition, and it does.

Next they say the measure is not opposed by the Board of Regents or any other group or agency. This claim is obviously untrue as evidenced by our opposition argument and this rebuttal.

Their argument says "tuition is a form of taxation." This is incorrect. No student is compelled to attend the University of California, but all citizens are compelled,

by government force if necessary, to pay taxes whether they wish to or not. So voluntary tuition payment is not taxation.

We believe this measure will enable the legislature to abolish voluntary tuition and shift this charge to the taxpayers.

We urge a "NO" vote at the November 5th election.

UNITED ORGANIZATIONS OF TAXPAYERS INC.
6431 West 5th St., Los Angeles, California

Howard Jarvis, *State Chairman*

Edward J. Boyd, *President*

Leona Magidson, *Executive Secretary*

Argument Against Proposition 16

The California legislature now wants the new power, which it does not have now to control and determine the student tuition charges for those attending the University of California.

For this reason the legislature has put Proposition 16 on the November ballot for voter approval. If this proposition is approved by the voters, the power to determine the amount of yearly tuition the students pay, now held by the University Board of Regents, will henceforth be determined by the legislature and no longer by the Board of Regents.

We believe this is a bad proposal the people should vote against.

The legislature already has the power to control the educational policies of this state. It does not have, and should not have the additional power to be the administrators of the University of California.

The legislature is a political arm of government. It does not have the capability to be an administrative

body for other functions of government. Neither should the partisan political makeup of the legislature be the deciding force in setting the tuition for the simple reason that tuition charges should not be made into a political football.

Looking ahead, we believe it is the intention of the legislature to mandate free education at the University of California, and then add these costs to the tax bill of every citizen.

The high taxes in California have already severely reduced the standard of living for all the people of this state, therefore we believe Proposition 16 is simply the prelude to another and higher tax raise. We urge a no vote on Proposition 16 in November.

UNITED ORGANIZATIONS OF TAXPAYERS INC.
6431 West 5th St., Los Angeles, California

Howard Jarvis, *State Chairman*

Edward J. Boyd, *President*

Leona Magidson, *Executive Secretary*

Rebuttal to Argument Against Proposition 16

Proposition 16 does **not** give the Legislature "power to be administrators of the University." The Board of Regents is the agency with full powers of governance and administration. The Regents do not view Proposition 16 as a threat to their autonomy and do **not** oppose its passage.

It is not the Legislature's intent to either **raise or lower** tuition. The amendment was drafted in such a way so as to insure no change in current fees. The proposition was initially proposed by a committee of ten legislators which studied higher education for two years. The bipartisan and ideological composition of the committee, like the Legislature itself, was so diverse that there was no recommendation regarding whether or not the state should charge tuition. **That is a separate issue.** However, the members did agree that the decision as to whether or not the state charges tuition—and if so, the amount—should

be made by the **elected** representatives of the people.

We agree that "tuition should not be made into a political football." Yet, the imposition of tuition in the late 1960's was very much a "political" issue in the Regents' deliberations.

The charge that Proposition 16 is a "prelude to another and higher tax raise" is **absurd and irresponsible.** If anything, Proposition 16 can save your tax dollars. Currently, an agency which has no responsibility for the state's 100 community colleges can take unilateral actions which could result in raising taxes for the support of these colleges.

VOTE "YES".

JOHN VASCONCELLOS
Assemblyman, 24th District

HOWARD WAY
Senator, 15th District

Ballot Title

WILD AND SCENIC RIVERS. INITIATIVE. Amends Public Resources Code to designate specified portions of the main stem of the Stanislaus River as components of the California Wild and Scenic Rivers System. Prohibits construction or operation of flood control structure which would substantially diminish the public use or enjoyment of the specified portions of the river. Does not prohibit structural or nonstructural measures necessary for flood protection provided that such measures would adversely affect those designated portions of the river only for necessary temporary flood storage. Allows Legislature to amend measure by two-thirds vote. Financial impact: Minor cost to state.

Analysis by Legislative Analyst

PROPOSAL:

In 1972 the Legislature passed and the Governor signed into law the California Wild and Scenic Rivers Act. The act said that portions of five rivers which are very scenic and are excellent for fishing, wildlife or for recreation should be preserved in a natural flowing condition for the benefit and enjoyment of the people of California. Four of the rivers, the Klamath, the Trinity, the Smith and the Eel, are located in Northwestern California. The fifth is the American River northeast of the City of Sacramento.

This proposition would include two portions of the Stanislaus River in the California Wild and Scenic Rivers Act. The Stanislaus River is located south and east of Stockton. One of the portions to be included is in the Sierra Nevada foothills from Camp Nine to Parrott's Ferry. The second is in the San Joaquin Valley from Goodwin Dam to the San Joaquin River.

The proposition would permit the construction only of flood control facilities, such as levees or dams, needed to protect lives and property. In addition the dams could back water up over the protected portions of the river only for flood control purposes and only for short periods of time.

The state's Resources Agency would have to prepare a plan to preserve the scenic, fishing, wildlife and recreational values of the river. In doing this, the agency

would be required to hold public hearings and to work closely with the counties through which the river flows. The Resources Agency would then give the completed plan to the State Legislature for its approval. After the Legislature approves the plan, the Resources Agency would carry it out.

The proposition would prevent, on the portions of the river affected, the construction of dams by state and local governments, and by private persons or corporations, except for flood control purposes as discussed above. No state or local dams are now being considered which would affect the portions of the river included in this proposal.

However, the federal government is preparing to build the New Melones Dam and Reservoir on the Stanislaus River. The reservoir created by this dam would cover portion of the river between Camp Nine to Parrott's Ferry, which is proposed for protection by this proposition. Although this state proposition would not affect the authority of the federal government to construct the New Melones Project, an indication by the state's voters that they want the river preserved in a wild status may have a bearing on the federal government's decision.

FISCAL EFFECT:

The cost to the state to prepare the plan to protect the river is estimated to be minor.

Text of Proposed Law

This initiative measure proposes to add new provisions to the law. Therefore, the new provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

STANISLAUS RIVER PROTECTION ACT OF 1974

Section 1. The people of the State of California do hereby find and declare that the Stanislaus River between Camp Nine and Parrot's Ferry Bridge is a unique and extraordinary river resource, possessing unusual and valuable caves and geological formations, the State's most heavily used whitewater boating area, spectacular limestone cliffs, and an important trout fishery. For these reasons the State Water Resources Control Board has declared the Stanislaus River to be "a unique asset to the state and the nation".

The Stanislaus River from Goodwin Dam to the junction of the San Joaquin River is an outstanding example of a Central Valley river, possessing large expanses of riparian habitat, valuable canoeing waters, many historical sites, and a noteworthy salmon fishery. It is one of a very few such rivers remaining in California.

Section 2. Sections 5093.66, 5093.67, 5093.68, and 5093.69 are added to Chapter 1.4 of Division 5 of the Public Resources Code, to read:

5093.66 The following rivers are hereby designated as components of the California Wild and Scenic Rivers System: main stem of the Stanislaus River from the bridge at Camp Nine to the Parrot's Ferry Bridge; and main stem of the Stanislaus River from 100 yards below Goodwin Dam to the junction of the San Joaquin River.

5093.67 Nothing in this chapter shall be construed to prohibit any measures for flood protection, structural or nonstructural, necessary for the protection of lives and property along the Stanislaus River; provided, however, that the Secretary of the Resources Agency shall insure that such measures will adversely affect those portions of the Stanislaus River designated in section 5093.66 only when necessary to provide temporary flood storage.

5093.68 No flood control structure on the Stanislaus River shall be built or operated in such a manner as to substantially diminish the public use and enjoyment of the portions of the Stanislaus River designated in section 5093.66.

5093.69 If it deems it necessary, the legislature may amend sections 5093.66 to 5093.68 of this act by a two thirds vote.

Argument in Favor of Proposition 17

PLEASE VOTE YES AND SAVE THE STANISLAUS RIVER.

This initiative places part of the Stanislaus River under the protection of the State Wild and Scenic Rivers Act. The Stanislaus is the most popular whitewater recreation river west of the Mississippi and one of the last of its kind in California. Originating in the Emigrant Wilderness just above Yosemite, it flows past ancient limestone caves where Miwok Indians buried their ancestors centuries before Christ. Here Chief Estanislao made his last stand against the cavalry. On its banks Mark Twain and Bret Harte wrote their finest works, and the forty-niners took millions in gold from the rich river canyon.

Today the river's colorful history, diverse geology, and scenic beauty make it a popular field classroom, and exciting rapids like Devil's Staircase, Razorback, and Chicken Falls attract thousands of people from all over the State. Each year some 80,000 Californians — trout fishermen, campers, hikers, scouts, cavers, rafters, and kayakers — enjoy the natural gifts of the Stanislaus. Downstream the Stanislaus supports a major salmon fishery and is a uniquely beautiful canoeing river.

But if the Army Corps of Engineers has its way, the Stanislaus will be only a memory. The Corps plans to pour 62 stories of rock and concrete costing over 260 million of your tax dollars in the middle of the river, creating the second largest rockfill dam in the nation. The Corps claims this giant porkbarrel project is needed for flood control, irrigation, and power.

Is the big dam necessary for flood control? No. The Corps freely admits that a dam less than a fifth the size would serve all flood control needs. THE RIVER INITIATIVE WOULD ALLOW THE CONSTRUCTION

OF A SMALLER, LESS EXPENSIVE AND LESS DESTRUCTIVE DAM THAT IS ADEQUATE FOR FLOOD CONTROL.

Is the big dam necessary for the storage of irrigation water? No. California's Water Resources Control Board found that the Federal Government "has no definite plans as to when or at what specific location project water will be used," and ruled that the dam could not be filled. The Federal Government is now suing the State in an attempt to overrule that decision.

Will the big dam provide a substantial amount of electricity? No. New Melones, even if filled, could provide only a few hundredths of one percent of the State's electricity needs. Even this small amount of power is made possible only by huge government subsidies. In ruling against filling the dam, the Water Board found that the river's scenic and recreational values make it a "unique asset to the State and the Nation," which far outweigh the value of the small amount of power the dam could generate.

Can the People of California deliver the River? YES! By voting "yes" on Proposition 17, we can stop this quarter billion dollar Federal boondoggle, and send the message to Washington that Californians intend to preserve at least one of our few remaining wild rivers. Please vote yes on Proposition 17.

DENNIS VIERRA
State Director, Friends of the River

JOYCE KOUPAL
Los Angeles County Energy Commission

MARGE MOBLEY
Director, Calaveras County Chamber of Commerce

Rebuttal to Argument in Favor of Proposition 17

Proponents continue to deliberately and knowingly mislead the public and misstate the facts. They claim above there is no need for the water that will be stored behind the New Melones Dam and that the California Water Resources Control Board has ruled that the dam cannot be filled. This despite the fact that on April 29 the Chairman of that Board wrote "Friends of The River".

"The Board approved the water right applications for the full amount of water to be stored behind the dam but with the proviso that until such time as the four basin counties are prepared to use the water, only enough water to take care of prior water rights, flood control, fish and wildlife and water quality below the dam, estimated at about 1,100,000 acre-feet, can be stored. It was recognized that even this amount will inundate a substantial part of the nine-mile reach of the river above Parrott's Ferry Bridge at times, but

that in the summer months only a small part of this reach will be affected.

"I feel that you and the other sponsors of the initiative owe a duty to the public to correct the inaccuracies in your statements concerning the Board's position."

The statement on taxes continues the misrepresentation. NO TAXES WILL BE LEVIED. Instead, income tax money paid by Californians will be returned for our benefit instead of being spent elsewhere. Word limitation prevents other examples. DON'T BE MISLED. Vote NO on Proposition 17.

JOHN HERTLE
President
Stanislaus River Flood Control Association

ALEXANDER HILDEBRAND
Member, Sierra Club
Director, South Delta Water Agency

Argument Against Proposition 17

The issue in Proposition 17 is whether a relatively small number of rafting enthusiasts, joining with a small number of commercial rafting companies who profit by their activities, shall block a project that has the approval of both state and federal governments and would enhance the environment in many significant ways.

This measure was qualified as an initiative with petitioners claiming the Stanislaus to be a wild river. The fact is that the flow of the nine mile section of river which the proponents seek to place in the Wild River system is controlled by two up-stream dams and therefore is not wild or in the pristine state that proponents would have you believe.

Their real purpose is to preserve this nine mile stretch or reach for those who can afford and enjoy rafting. When New Melones is built this stretch will be inundated by a lake.

It is difficult to understand the proponents' willingness to have us pay the high environmental price to keep the nine mile stretch. It is Class IV whitewater. Two hundred fifty miles of this class of whitewater exists in the state according to the California Resources Agency. To retain less than 5% of the total, proponents are asking you to place it in a preserve that will prevent construction of the New Melones multi-purpose dam; a project designed, to enhance environment and recreation opportunities for all Californians, to provide flood control, and to provide water supplies as needed.

This measure if passed will sacrifice for the sake of retaining less than 5% of the total Class IV whitewater:

1. Recreational facilities estimated at an ultimate 4,000,000 recreational days per year as contrasted with an ultimate 80,000 recreation days annually for its present use.

2. Improved stream fishing for salmon, trout, steelhead, shad, striped bass and sturgeon.
3. Improved spawning grounds for salmon and steelhead.
4. Prevention of gravel removal by commercial interests.
5. Improved water quality of the San Joaquin river inflows to the Delta and the San Francisco bay system through the release of reservoir water.
6. Non-polluting production of 430,000,000 kilowatt hours of electricity annually not requiring fossil fuel and so saving about 700,000 barrels of crude oil.
7. Preservation of a 55 mile stretch of the Stanislaus River shoreline in its present natural state, by preventing agricultural intrusion.
8. Improved access to the river for the public to enjoy environmental and recreational facilities offered.
9. Provision of conserved water for demonstrated need.
10. Permanent prevention of flood caused destruction of human life, property, wild life and flora.

Sacrifice of all this for less than 5% of Class IV whitewater, however beautiful, is too high a price to pay.

This is why the State's administration and the Legislature, advocate completion of the New Melones project.

The next step is the defeat of Proposition 17. Your "NO" vote will do that. Please vote No on Proposition 17.

JOHN HERTLE

President

Stanislaus River Flood Control Association

ALEXANDER HILDEBRAND

Member, Sierra Club

Director, South Delta Water Agency

PAUL McKEEHAN

Water Projects Chairman

Associated Sportsmen of California

Rebuttal to Argument Against Proposition 17

Opponents claim it is necessary to build a \$260,000,000 dam to protect the river's environment. The river initiative protects the entire 64 mile stretch and PERMITS A SMALL DAM for flood control, fish releases, Delta protection and irrigation without destroying one of California's last remaining year-round recreational rivers.

***They claim 4,000,000 visitors to the new reservoir. Yet there are already 10 reservoirs nearby, and an identical reservoir three miles away receives only 190,000 visitors.

***Under current plans, no power from New Melones will reach the consumer—it will all go into still more water projects.

***Economically unsound projects like New Melones waste tax dollars and are a major cause of inflation.

***The "small group" sponsoring Proposition 17 represents the half million voters from every county in California who signed the Initiative, including 30,000 volunteer circulators—MORE PEOPLE THAN HAVE EVER CIRCULATED AN INITIATIVE IN CALIFORNIA HISTORY.

Suggesting the Stanislaus is only 5% of the available rivers is like saying Yosemite is only 5% of the Sierra Nevadas. The Stanislaus has a unique combination of gentle rapids, spectacular scenery, and abundant wildlife. It has been nominated as a National Historic District. Leaders of both parties—including Attorney General Younger and Congressmen Waldie, Edwards, and McCloskey caution against its unnecessary destruction. The National Wildlife Federation, Sierra Club, National Audubon Society, and Trout Unlimited oppose the big dam.

THE RIVER CANNOT PROTECT ITSELF. ITS FATE IS TOTALLY DEPENDENT UPON YOUR DECISION. PLEASE VOTE "YES" ON PROPOSITION 17 AND SAVE THE STANISLAUS.

DENNIS VIERRA

State Director, Friends of the River

JOYCE KOUHAL

Los Angeles County Energy Commission

MARGE MOBLEY

Director, Calaveras County Chamber of Commerce

Text of Proposed Laws

TEXT OF PROPOSITION 1

This law proposed by Assembly Bill 3236 (Statutes of 1974, Chapter 475) is submitted to the people in accordance with the provisions of Article XVI of the Constitution.

This proposed law does not expressly amend any existing law; therefore, the provisions thereof are printed in *italic type* to indicate that they are new.)

PROPOSED LAW

SECTION 1. Chapter 16 (commencing with Section 19961) is added to Division 14 of the Education Code, to read:

CHAPTER 16. STATE SCHOOL BUILDING AID AND EARTHQUAKE RECONSTRUCTION AND REPLACEMENT BOND LAW OF 1974

19961. This act may be cited as the State School Building Aid and Earthquake Reconstruction and Replacement Bond Law of 1974.

19961.1. The State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code) is adopted for the purpose of the issuance, sale and repayment of, and otherwise providing with respect to, the bonds authorized to be issued by this chapter, and the provisions of that law are included in this chapter as though set out in full in this chapter. All references in this chapter to "herein" shall be deemed to refer both to this chapter and such law.

19961.2. As used in this chapter, and for the purposes of this chapter as used in the State General Obligation Bond Law, the following words shall have the following meanings:

(a) "Committee" means the State School Building Finance Committee created by Section 19510.

(b) "Board" means the State Allocation Board.

(c) "Fund" means the State School Building Aid Fund.

19961.3. For the purpose of creating a fund to provide aid to school districts of the state in accordance with the provisions of the State School Building Aid Law of 1952, and of all acts amendatory thereof and supplementary thereto, and to provide funds to repay any money advanced or loaned to the State School Building Aid Fund under any act of the Legislature, together with interest provided for in that act, and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code the committee shall be and is hereby authorized and empowered to create a debt or debts, liability or liabilities, of the State of California, in the aggregate amount of one hundred fifty million dollars (\$150,000,000) in the manner provided herein, but not in excess thereof.

19961.4. All bonds herein authorized, which shall have been duly sold and delivered as herein provided, shall constitute valid and legally binding general obligations of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest thereof.

There shall be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the ordinary revenues of the state, as shall be required to pay the principal and interest on said bonds as herein provided, and it is hereby made the duty of all officers charged by law with any duty in regard to the collection of said revenue, to do and perform each and every act which shall be necessary to collect such additional sum.

On the several dates of maturity of said principal and interest in each fiscal year, there shall be transferred to the General Fund in the State Treasury, all of the money in the fund, not in excess of the principal of and interest on the said bonds then due and payable, except as herein provided for the prior redemption of said bonds, and, in the event such money so returned on said dates of maturity is less than the said principal and interest then due and payable, then the balance remaining unpaid shall be returned into the General Fund in the State Treasury out of the fund as soon thereafter as it shall become available.

19961.5. All money deposited in the fund under Section 19611 of this code and pursuant to the provisions of Part 2 (commencing with Section 16300) of Division 4 of Title 2 of the Government Code, shall be available only for transfer to the General Fund, as provided in Section 19961.4. When transferred to the General Fund such money shall be applied as a reimbursement to the General Fund on account of principal and interest due and payable or paid from the General Fund on the earliest issue of school building bonds for which the General Fund has not been fully reimbursed by such transfer of funds.

19961.6. There is hereby appropriated from the General Fund in the State Treasury for the purpose of this chapter, such an amount as will equal the following:

(a) Such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this chapter, as said principal and interest become due and payable.

(b) Such sum as is necessary to carry out the provisions of Section 19961.7, which sum is appropriated without regard to fiscal years.

19961.7. For the purposes of carrying out the provisions of this chapter the Director of Finance may by executive order authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which the committee has by resolution authorized to be sold for the purpose of carrying out this chapter. Any amounts withdrawn shall be deposited in the fund to be allocated by the board in accordance with this chapter. Any moneys made available under this section to the board shall be returned by the board to the General Fund from moneys received from the sale of bonds sold for the purpose of carrying out this chapter.

19961.8. Upon request of the board, supported by a statement of the apportionments made and to be made under Sections 19551 to 19689, inclusive, and Article 9 (commencing with Section 19700.51) of Chapter 10, the committee shall determine whether or not it is necessary or desirable to issue any bonds authorized under this chapter in order to make such apportionments, and, if so, the amount of bonds then to be issued and sold. Fifty million dollars (\$50,000,000) shall be available for apportionment on December 5, 1974, and five million dollars (\$5,000,000) shall become available for apportionment on the fifth day of each month thereafter until a total of one hundred fifty million dollars (\$150,000,000) has become available for apportionment. Successive issues of bonds may be authorized and sold to make such apportionments progressively, and it shall not be necessary that all of the bonds herein authorized to be issued shall be sold at any one time.

19961.9. In computing the net interest cost under Section 16754 of the Government Code, interest shall be computed from the date of the bonds or the last preceding interest payment date, whichever is latest, to the respective maturity dates of the bonds then offered for sale at the coupon rate or rates specified in the bid, such computation to be made on a 360-day-year basis.

19961.10. The committee may authorize the State Treasurer to sell all or any part of the bonds herein authorized at such time or times as may be fixed by the State Treasurer.

19961.11. All proceeds from the sale of the bonds herein authorized deposited in the fund, as provided in Section 16757 of the Government Code, except those derived from premium and accrued interest, shall be available for the purpose herein provided, but shall not be available for transfer to the General Fund pursuant to Section 19961.4 to pay principal and interest on bonds.

19961.12. With respect to the proceeds of bonds authorized by this chapter, all the provisions of Sections 19551 to 19689, inclusive, shall apply except:

(a) Any reference in Sections 19551 to 19689, inclusive, to "Section 16.5, Article XVI of the Constitution of this state" shall be deemed a reference to this chapter.

(b) Any reference in Sections 19551 to 19689, inclusive, to "Section 19704" shall be deemed a reference to Section 19961.4.

19961.13. Out of the first money realized from the sale of bonds under this act, there shall be repaid any moneys advanced or loaned to the State School Building Aid Fund under any act of the Legislature, together with interest provided for in that act.

19961.14. Notwithstanding any provisions in this chapter to the contrary, of the moneys made available by this chapter, not to exceed the sum of fifty million dollars (\$50,000,000) or such amount thereof that the board may determine necessary therefor, shall be available under the provisions of Article 9 (commencing with Section 19700.51) of Chapter 10 for the purpose of rehabilitating, reconstructing, or replacing school facilities which are unsafe by virtue of not being in compliance with Article 5 (commencing with Section 15501) of Chapter 2 of Division 11 or for the purpose of repairing actual damage to school facilities caused by an earthquake after March 1, 1974, and for which there are no other state or federal funds available for such restoration. These funds shall be made available to eligible school districts when the fiscal and other requirements prescribed by Article 9 (commencing with Section 19700.51) of Chapter 10 are complied with.

TEXT OF PROPOSITION 2

This amendment proposed by Assembly Constitutional Amendment 81 (Statutes of 1974, Resolution Chapter 81) expressly amends an existing section of the Constitution; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be inserted or added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENT TO ARTICLE XI

SEC. 3. (a) For its own government, a county or city may adopt

TEXT OF PROPOSITION 6

This amendment proposed by Senate Constitutional Amendment 26 (Statutes of 1974, Resolution Chapter 77) expressly amends an existing article of the Constitution; therefore, existing provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be inserted or added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENTS TO ARTICLE XIII

SEC. 1d. The homeowners' property tax exemption shall apply to each dwelling, as defined by the Legislature, occupied by an owner thereof on the lien date as his principal place of residence. This exemption shall not apply to any dwelling if an owner thereof has been granted an exemption for the assessment year pursuant to Section 1½, 1½a or 1½b of this article, nor shall it apply to any property which the Legislature, by general laws, excludes from the exemption by reason of the fact that the tax on such property is paid either in whole or in part, either directly or indirectly, by the state or any political subdivision thereof. Only one homeowners' property tax exemption shall apply to each dwelling.

There is exempt from taxation the amount of ~~\$750~~ *\$1,750* of the assessed value of the dwelling and this shall be known as the homeowners' property tax exemption. The amount of the exemption may be increased or decreased by the Legislature, a majority of all of the members elected to each of the two houses voting in favor thereof, but such exemption shall not be reduced below ~~\$750~~ *\$1,750* of such assessed value.

The Legislature shall provide by general laws for subventions to counties, cities and counties, cities, and districts in this state in an amount equal to the amount of revenue lost by each such county, city and county, city, and district by reason of the homeowners' property tax exemption. No increase by the Legislature in the homeowners' property tax exemption above the amount of ~~\$750~~ *\$1,750* shall be effective for any fiscal year, unless the Legislature increases the rate of state taxes in an amount sufficient to provide subventions, and shall provide subventions, during such fiscal year to each county, city and county, city and district in this state a sum equal to the amount of revenue lost by each by reason of such increase.

If the Legislature increases the homeowners' property tax exemption, it shall provide increases in benefits to qualified renters, as defined by law, comparable to the average increase in benefits to homeowners as calculated by the Legislature.

TEXT OF PROPOSITION 7—continued from page 27

for, such proceedings shall be had as are now or may be hereafter prescribed by law, not inconsistent herewith.

A grand jury shall be drawn and summoned at least once a year in each county.

Fifteenth—That Section 9 of Article I be repealed.

SEC. 9. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact. Indictments found, or information laid, for publications in

a charter by majority vote of its electors voting on the question. The charter is effective if approved without change by resolution of the Legislature, by rollcall vote entered in the journal, a majority of membership of each house concurring when filed with the Secretary of State. A charter may be amended, revised, or repealed in the same manner. A charter, amendment, revision, or repeal thereof shall be published in the official state statutes. County charters adopted pursuant to this section shall supersede any existing charter and all laws inconsistent therewith. A charter may be amended, revised, or repealed in the same manner. The provisions of a charter are the law of the State and have the force and effect of legislative enactments.

Any revenues subvented by the state to replace revenues lost by reason of the homeowners' property tax exemption may be used by a county, city and county, city, or district for state purposes or for county, city and county, city, or district purposes, as the case may be.

Nothing in this Constitution shall constitute a limitation on the taxation of property, or on the bonding capacity of the state or of any city, city and county, county, or district, when based on a percentage of assessed or market value of property; provided, however, that the Legislature may establish maximum property tax rates and bonding limitations for units of local government.

For the 1968/1969 fiscal year only, the Legislature may effect the exemption by payment of \$70 to taxpayers in the manner specified in Senate Bill No. 8 of the 1968 First Extraordinary Session of the Legislature, the provisions of which are hereby ratified.

[Second Resolved Clause]

And be it further resolved, That if Assembly Constitutional Amendment No. 32 of the 1973-74 Regular Session of the Legislature is approved by the voters in the general election to be held on November 5, 1974, that Section 1d of Article XIII, as amended in the first resolved clause of this senate constitutional amendment shall not become operative;

[Third Resolved Clause]

And be it further resolved, That if Assembly Constitutional Amendment No. 32 of the 1973-74 Regular Session of the Legislature is approved by the voters in the general election to be held on November 5, 1974, that the Constitution of the state be further amended by adding subdivision (k) to Section 3 of Article XIII, to read as follows:

(k) *\$7,000 of the full value of a dwelling, as defined by the Legislature, when occupied by an owner as his principal residence, unless the dwelling is receiving another real property exemption. The Legislature may increase this exemption and may deny it if the owner received State or local aid to pay taxes either in whole or in part, and either directly or indirectly, on the dwelling.*

No increase in this exemption above the amount of \$7,000 shall be effective for any fiscal year unless the Legislature increases the rate of State taxes in an amount sufficient to provide the subventions required by Section 25.

If the Legislature increases the homeowners' property tax exemption, it shall provide increases in benefits to qualified renters, as defined by law, comparable to the average increase in benefits to homeowners, as calculated by the Legislature.

newspapers shall be tried in the county where such newspapers have their publication office; or in the county where the party alleged to be libeled resided at the time of the alleged publication; unless the place of trial shall be changed for good cause.

Sixteenth—That Section 9 of Article I be added, to read:

SEC. 9. A bill of attainder, ex post facto law, or law impairing the obligation of contracts may not be passed.

Seventeenth—That Section 10 of Article I be repealed.

SEC. 10. The people shall have the right to freely assemble together to consult for the common good; to instruct their representatives; and to petition the Legislature for redress of grievances.

Eighteenth—That Section 10 of Article I be added, to read:

SEC. 10. Witnesses may not be unreasonably detained. A person

may not be imprisoned in a civil action for debt or tort, or in peace time for a militia fine.

Nineteenth—That Section 11 of Article I be repealed.

SEC. 11. All laws of a general nature shall have a uniform operation.

Twentieth—That Section 11 of Article I be added, to read:

XC. 11. Habeas corpus may not be suspended unless required by public safety in cases of rebellion or invasion.

Twenty-first—That Section 12 of Article I be repealed.

SEC. 12. The military shall be subordinate to the civil power. No standing army shall be kept up by this State in time of peace; and no soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in the manner prescribed by law.

Twenty-second—That Section 12 of Article I be added, to read:

SEC. 12. A person shall be released on bail by sufficient sureties, except for capital crimes when the facts are evident or the presumption great. Excessive bail may not be required.

A person may be released on his or her own recognizance in the court's discretion.

Twenty-third—That Section 13 of Article I be repealed.

SEC. 13. In criminal prosecutions, in any court whatever, the party accused shall have the right to a speedy and public trial and to have the assistance of counsel for his defense; to have the process of the court to compel the attendance of witnesses in his behalf and to be personally present with counsel. No person shall be twice put in jeopardy for the same offense; nor be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property without due process of law; but in any criminal case, whether the defendant testifies or not, his failure to explain or to deny by his testimony any evidence or facts in the case against him may be commented upon by the court and by counsel; and may be considered by the court or the jury. The Legislature shall have power to require the defendant in a felony case to have the assistance of counsel. The Legislature also shall have power to provide for the taking, in the presence of the party accused and his counsel, of depositions of witnesses in criminal cases, other than cases of homicide when there is reason to believe that the witness, from inability or other cause, will not attend at the trial.

Twenty-fourth—That Section 13 of Article I be added, to read:

SEC. 13. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable seizures and searches may not be violated; and a warrant may not issue except on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized.

Twenty-fifth—That Section 14 of Article I be repealed.

SEC. 14. Private property shall not be taken or damaged for public use without just compensation having first been made to, or paid into court for, the owner; and no right of way or lands to be used for reservoir purposes shall be appropriated to the use of any corporation, except a municipal corporation or a county or the State or metropolitan water district, municipal utility district, municipal water district, drainage, irrigation, levee, reclamation or water conservation district, or similar public corporation until full compensation therefor be first made in money or ascertained and paid into court for the owner, irrespective of any benefits from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived; as in other civil cases in a court of record; as shall be prescribed by law; provided, that in any proceeding in eminent domain brought by the State, or a county, or a municipal corporation, or metropolitan water district, municipal utility district, municipal water district, drainage, irrigation, levee, reclamation or water conservation district, or similar public corporation, the aforesaid State or municipality or county or public corporation or district aforesaid may take immediate possession and use of any right of way or lands to be used for reservoir purposes, required for a public use whether the fee thereof or an easement therefor be sought upon first commencing eminent domain proceedings according to law in a court of competent jurisdiction and thereupon giving such security in the way of money deposited as the court in which such proceedings are pending may direct; and in such amounts as the court may determine to be reasonably adequate to secure to the owner of the property sought to be taken immediate payment of just compensation for such taking and any damage incident thereto, including damages sustained by reason of an adjudication that there is no necessity for taking the property; as soon as the same can be ascertained according to law. The court may, upon motion of any party to said eminent domain proceedings, after such notice to the other parties as the court may prescribe, alter the amount of such security so required in such proceedings. The taking of private property for a railroad run by steam or electric power for logging or lumbering purposes shall be deemed a taking for a public use; and any person, firm, company or corporation taking private property under the law of eminent domain for such purposes shall thereupon and thereby become a common carrier.

Twenty-sixth—That Section 14 of Article I be added, to read:

SEC. 14. Felonies shall be prosecuted as provided by law, either by indictment or, after examination and commitment by a magistrate, by information.

A person charged with a felony by complaint subscribed under penalty of perjury and on file in a court in the county where the felony is triable shall be taken without unnecessary delay before a magistrate of that court. The magistrate shall immediately give the defendant a copy of the complaint, inform the defendant of the defendant's right to counsel, allow the defendant a reasonable time to send for counsel, and on the defendant's request read the complaint to the defendant. On the defendant's request the magistrate shall require a peace officer to transmit within the county where the court is located a message to counsel named by defendant.

A person unable to understand English who is charged with a crime has a right to an interpreter throughout the proceedings.

Twenty-seventh—That Section 14½ of Article I be repealed.

SEC. 14½. The State, or any of its cities or counties, may acquire by gift, purchase or condemnation, lands for establishing, laying out, widening, enlarging, extending, and maintaining memorial grounds, streets, squares, parkways and reservations in and about and along and leading to any or all of the same, providing land so acquired shall be limited to parcels lying wholly or in part within a distance not to exceed one hundred fifty feet from the closest boundary of such public works or improvements; provided, that when parcels which lie only partially within said limit of one hundred fifty feet only such portions may be acquired which do not exceed two hundred feet from said closest boundary; and after the establishment, laying out, and completion of such improvements, may convey any such real estate thus acquired and not necessary for such improvements, with reservations concerning the future use and occupation of such real estate so as to protect such public works and improvements and their environs and to preserve the view, appearance, light, air and usefulness of such public works.

The Legislature may, by statute, prescribe procedure.

Twenty-eighth—That Section 15 of Article I be repealed.

SEC. 15. No person shall be imprisoned for debt in any civil action, on motion or final process, unless in cases of fraud; nor in civil actions for torts, except in cases of wilful injury to person or property; and no person shall be imprisoned for a militia fine in time of peace.

Twenty-ninth—That Section 15 of Article I be added, to read:

SEC. 15. The defendant in a criminal cause has the right to a speedy public trial, to compel attendance of witnesses in the defendant's behalf, to have the assistance of counsel for the defendant's defense, to be personally present with counsel, and to be confronted with the witnesses against the defendant. The Legislature may provide for the deposition of a witness in the presence of the defendant and the defendant's counsel.

Persons may not twice be put in jeopardy for the same offense, be compelled in a criminal cause to be a witness against themselves, or be deprived of life, liberty, or property without due process of law.

Thirtieth—That Section 16 of Article I be repealed.

SEC. 16. No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall ever be passed.

Thirty-first—That Section 16 of Article I be added, to read:

SEC. 16. Trial by jury is an inviolate right and shall be secured to all, but in a civil cause three-fourths of the jury may render a verdict. A jury may be waived in a criminal cause by the consent of both parties expressed in open court by the defendant and the defendant's counsel. In a civil cause a jury may be waived by the consent of the parties expressed as prescribed by statute.

In civil causes and cases of misdemeanor the jury may consist of 12 or a lesser number agreed on by the parties in open court.

Thirty-second—That Section 17 of Article I be repealed.

SEC. 17. Foreigners, eligible to become citizens of the United States under the naturalization laws thereof, while bona fide residents of this State, shall have the same rights in respect to the acquisition, possession, enjoyment, transmission, and inheritance of all property, other than real estate, as native born citizens; provided, that such aliens owning real estate at the time of the adoption of this amendment may remain such owners; and provided further, that the Legislature may, by statute, provide for the disposition of real estate which shall hereafter be acquired by such aliens by descent or devise.

Thirty-third—That Section 17 of Article I be added, to read:

SEC. 17. Cruel or unusual punishment may not be inflicted or excessive fines imposed.

Thirty-fourth—That Section 18 of Article I be repealed.

SEC. 18. Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State.

Thirty-fifth—That Section 18 of Article I be added, to read:

SEC. 18. Treason against the State consists only in levying war against it, adhering to its enemies, or giving them aid and comfort. A person may not be convicted of treason except on the evidence of two witnesses to the same overt act or by confession in open court.

Thirty-sixth—That Section 19 of Article I be repealed.

SEC. 10. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable seizures and searches, shall not be violated; and no warrant shall issue, but on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the persons and things to be seized.

Thirty-seventh—That Section 19 of Article I be added, to read:

SEC. 19. Private property may be taken or damaged for public use only when just compensation, ascertained by a jury unless waived, has first been paid to, or into court for, the owner. The Legislature may provide for possession by the condemnor following commencement of eminent domain proceedings upon deposit in court and prompt release to the owner of money determined by the court to be the probable amount of just compensation.

Thirty-eighth—That Section 20 of Article I be repealed.

SEC. 20. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason unless on the evidence of two witnesses to the same overt act, or confession in open Court.

Thirty-ninth—That Section 20 of Article I be added, to read:

SEC. 20. Noncitizens have the same property rights as citizens.

Fortieth—That Section 21 of Article I be repealed.

SEC. 21. No special privileges or immunities shall ever be granted which may not be altered, revoked, or repealed by the Legislature; nor shall any citizen, or class of citizens, be granted privileges or immunities which, upon the same terms, shall not be granted to all citizens.

Forty-first—That Section 22 of Article I be repealed.

SEC. 22. The provisions of this Constitution are mandatory and prohibitory, unless by express words they are declared to be otherwise.

Forty-second—That Section 22 of Article I be added, to read:

SEC. 22. The right to vote or hold office may not be conditioned by a property qualification.

Forty-third—That Section 23 of Article I be repealed.

SEC. 23. This enumeration of rights shall not be construed to impair or deny others retained by the people.

Forty-fourth—That Section 23 of Article I be added, to read:

SEC. 23. One or more grand juries shall be drawn and summoned at least once a year in each county.

Forty-fifth—That Section 24 of Article I be repealed.

SEC. 24. No property qualification shall ever be required for any person to vote or hold office.

Forty-sixth—That Section 24 of Article I be added, to read:

SEC. 24. Rights guaranteed by this Constitution are not dependent on those guaranteed by the United States Constitution. This declaration of rights may not be construed to impair or deny others retained by the people.

Forty-seventh—That Section 26 of Article I be repealed.

SEC. 26. Neither the State nor any subdivision or agency thereof shall deny, limit or abridge, directly or indirectly, the right of any person, who is willing or desires to sell, lease or rent any part or all of his real property, to decline to sell, lease or rent such property to such person or persons as he, in his absolute discretion, chooses.

'Person' includes individuals, partnerships, corporations and all legal entities and their agents or representatives but does not include the State or any subdivision thereof with respect to the sale, lease or rental of property owned by it.

'Real property' consists of any interest in real property of any kind or quality, present or future, irrespective of how obtained or financed, which is used, designed, constructed, zoned or otherwise devoted to or limited for residential purposes whether as a single family dwelling or as a dwelling for two or more persons or families living together or independently of each other.

This Article shall not apply to the obtaining of property by eminent domain pursuant to Article I, Sections 14 and 14½, of this Constitution; nor to the renting or providing of any accommodations for lodging purposes by a hotel, motel or other similar public place engaged in furnishing lodging to transient guests.

If any part or provision of this Article, or the application thereof to any person or circumstance, is held invalid, the remainder of the Article, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end the provisions of this Article are severable.

Forty-eighth—That Section 26 of Article I be added, to read:

SEC. 26. All political power is inherent in the people. Government is instituted for their protection, security, and benefit, and they have the right to alter or reform it when the public good may require.

Forty-ninth—That Section 28 of Article I be added, to read:

SEC. 28. The provisions of this Constitution are mandatory and prohibitory, unless by express words they are declared to be otherwise.

Fiftieth—That Section 16 of Article IV be amended to read:

SEC. 16. (a) All laws of a general nature have uniform operation. (b) A local or special statute is invalid in any case if a general statute can be made applicable.

Fifty-first—That Section 8 of Article XX be amended and renumbered to be Section 21 of Article I:

SEC. 8 21. Property owned before marriage or acquired during marriage by gift, will, or inheritance is separate property.

Fifty-second—That Section 18 of Article XX be amended and renumbered to be Section 8 of Article I:

SEC. 18 8. A person may not be disqualified because of sex, from entering or pursuing a lawful business, profession, vocation, or profession employment because of sex, race, creed, color, or national or ethnic origin.

TEXT OF PROPOSITION 8

This amendment proposed by Assembly Constitutional Amendment 32 (Statutes of 1974, Resolution Chapter 70) expressly amends the Constitution by amending, adding, and repealing various articles and sections. Therefore, the provisions proposed to be deleted are printed in ~~strikeout type~~ and new provisions proposed to be inserted or added are printed in *italic type* to indicate that they are new.

PROPOSED AMENDMENTS TO ARTICLES IV, IX, XI, XIII, XVI, XX, AND XXVIII

First—That subdivision (e) be added to Section 12 of Article IV, to read:

(e) The Legislature may control the submission, approval, and enforcement of budgets and the filing of claims for all State agencies.

Second—That Section 6 of Article IX be amended, to read:

SEC. 6. Each person, other than a substitute employee, employed by a school district as a teacher or in any other position requiring certification qualifications shall be paid a salary which shall be at the rate of an annual salary of not less than twenty-four hundred dollars (\$2,400) for a person serving full time, as defined by law.

The Public School System shall include all kindergarten schools, elementary schools, secondary schools, technical schools, and State colleges, established in accordance with law and, in addition, the school districts and the other agencies authorized to maintain them. No school or college or any other part of the Public School System shall be, directly or indirectly, transferred from the Public School System or placed under the jurisdiction of any authority other than

one included within the Public School System.

The Legislature shall add to the State School Fund such other means from the revenues of the State as shall provide in said fund for apportionment in each fiscal year, an amount not less than one hundred and eighty dollars (\$180) per pupil in average daily attendance in the kindergarten schools, elementary schools, secondary schools, and technical schools in the Public School System during the next preceding fiscal year.

The entire State School Fund shall be apportioned in each fiscal year in such manner as the Legislature may provide, through the school districts and other agencies maintaining such schools, for the support of, and aid to, kindergarten schools, elementary schools, secondary schools, and technical schools except that there shall be apportioned to each school district in each fiscal year not less than one hundred twenty dollars (\$120) per pupil in average daily attendance in the district during the next preceding fiscal year and except that the amount apportioned to each school district in each fiscal year shall be not less than twenty-four hundred dollars (\$2,400).

Solely with respect to any retirement system provided for in the charter of any county or city and county pursuant to the provisions of which the contributions of, and benefits to, certificated employees of a school district who are members of such system are based upon the proportion of the salaries of such certificated employees contributed by said county or city and county, all amounts apportioned to said county or city and county, or to school districts therein, pursuant to the provisions of this section shall be considered as though derived from county or city and county school taxes for the support of county and city and county government and not money provided by the State within the meaning of this section.

The Legislature shall provide for the levying annually by the

governing body of each county, and city and county, of such school district taxes, at rates not in excess of the maximum rates of school district tax fixed or authorized by the Legislature, as will produce in each fiscal year such revenue for each school district as the governing board thereof shall determine is required in such fiscal year for the support of all schools and functions of said district authorized or required by law.

Third—That Section 10 of Article IX be repealed.

SEC. 10. The trusts and estates created for the founding, endowment and maintenance of the Leland Stanford Junior University, under and in accordance with "An act to advance learning, etc.," approved March ninth, eighteen hundred and eighty-five, by the endowment grant executed by Leland Stanford and Jane Lathrop Stanford on the eleventh day of November, A. D. eighteen hundred and eighty-five, and recorded in liber eighty-three of deeds, at page twenty-three, of *seq.*, records of Santa Clara County, and by the amendments of such grant, and by gifts, grants, bequests, and devises supplementary thereto, and by confirmatory grants, are permitted, approved and confirmed. The board of trustees of the Leland Stanford Junior University, as such, or in the name of the institution, or by other intelligible designation of the trustees or of the institution, may receive property, real or personal, and wherever situated, by gift, grant, devise, or bequest for the benefit of the institution, or of any department thereof, and such property, unless otherwise provided, shall be held by the trustees of the Leland Stanford Junior University upon the trusts provided for in the grant founding the university, and amendments thereof, and grants, bequests and devises supplementary thereto. The Legislature, by special act, may grant to the trustees of the Leland Stanford Junior University corporate powers and privileges, but it shall not thereby alter their tenure, or limit their powers or obligations as trustees. All property now or hereafter held in trust for the founding, maintenance or benefit of the Leland Stanford Junior University, or of any department thereof, may be exempted by special act from State taxation, and all personal property so held, the Palo Alto farm as described in the endowment grant to the trustees of the university, and all other real property so held and used by the university for educational purposes exclusively, may be similarly exempted from county and municipal taxation, provided, that residents of California shall be charged no fees for tuition unless such fees be authorized by act of the Legislature.

Fourth—That Section 11 of Article IX be repealed.

SEC. 11. All property now or hereafter belonging to "The California School of Mechanical Arts," an institution founded and endowed by the late James Lick to educate males and females in the practical arts of life, and incorporated under the laws of the State of California, November twenty-third, eighteen hundred and eighty-five, having its school buildings located in the city and county of San Francisco, shall be exempt from taxation. The trustees of said institution must annually report their proceedings and financial accounts to the Governor. The Legislature may modify, suspend, and revive at will the exemption from taxation herein given.

Fifth—That Section 12 of Article IX be repealed.

SEC. 12. All property now or hereafter belonging to the "California Academy of Sciences," an institution for the advancement of science and maintenance of a free museum, and chiefly endowed by the late James Lick, and incorporated under the laws of the State of California, January sixteenth, eighteen hundred and seventy-one, having its buildings located in the city and county of San Francisco, shall be exempt from taxation. The trustees of said institution must annually report their proceedings and financial accounts to the Governor. The Legislature may modify, suspend, and revive at will the exemption from taxation herein given.

Sixth—That Section 13 of Article IX be repealed.

SEC. 13. All property now or hereafter belonging to the Cogswell Polytechnical College, an institution for the advancement of learning, incorporated under the laws of the State of California, and having its buildings located in the city and county of San Francisco, shall be exempt from taxation. The trustees of said institution must annually report their proceedings and financial accounts to the Governor. The Legislature may modify, suspend, and revive at will the exemption from taxation herein given.

Seventh—That Section 15 of Article IX be repealed.

SEC. 15. The trusts and estates created for the founding, endowment and maintenance of the Henry E. Huntington Library and Art Gallery, under and in accordance with an act of the Legislature approved March 10, 1885, chapter forty-seven of the Statutes of California of 1885, by the endowment grant executed by Henry E. Huntington and Arabella D. Huntington on the thirtieth day of August, 1910, and recorded in book 6037, page 97 of deeds, records of Los Angeles, California, on the fifteenth day of September, 1910, and by the amendments of such grant and by gifts and grants supplementary thereto and by confirmatory grants, are permitted, approved and confirmed. The board of trustees of the Henry E. Huntington Library and Art Gallery, as such, or in the name of the institution, or by other intelligible designation of the trustees, or of

the institution, may receive property, real or personal, and wherever situated, by gift, grant, devise, or bequest, for the benefit of the institution, and such property, unless otherwise provided, shall be held by the trustees of the Henry E. Huntington Library and Art Gallery upon the trusts provided for in the grant founding the institution, and amendments thereof and grants supplementary thereto. All property as of July 1, 1920, held in trust for the founding, maintenance or benefit of the Henry E. Huntington Library and Art Gallery and the increments thereof and all personal property received in exchange therefor shall be exempt from taxation. The Legislature may modify, suspend and revive at will the exemption from taxation herein given. The trustees of said institution shall annually report their proceedings to the person who for the time being shall fill the office of Secretary of State of the State of California, and said trustees shall accompany said report with a full account of their financial operations for the preceding year and with a statement of the financial affairs of the institution.

Eighth—That Section 11 of Article XI be amended to read:

SEC. 11. (a) The Legislature may not delegate to a private person or body power to make, control, appropriate, supervise or interfere with county or municipal corporation improvements, money, or property, or to levy taxes or assessments, or perform municipal functions.

(b) The Legislature may, however, provide for the deposit of public moneys in any bank in this state and for the payment of interest, principal and redemption premiums of public bonds and other evidences of public indebtedness by banks within or without this state. It may also provide for investment of public moneys in securities and the registration of bonds and other evidences of indebtedness by private persons or bodies, within or without this state, acting as trustees or fiscal agents.

Tenth—That Article XIII be repealed.

ARTICLE XIII

REVENUE AND TAXATION

SECTION 1. All property in the State except as otherwise in this Constitution provided, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law, or as hereinafter provided. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership, provided, that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall not be considered property subject to taxation, and further provided, that property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and such as may belong to this State, or to any county, city and county, or municipal corporation within this State shall be exempt from taxation, except such lands and the improvements thereon located outside of the county, city and county or municipal corporation owning the same as were subject to taxation at the time of the acquisition of the same by said county, city and county, or municipal corporation, provided, that no improvements of any character whatever constructed by any county, city and county or municipal corporation shall be subject to taxation. All lands or improvements thereon, belonging to any county, city and county or municipal corporation, not exempt from taxation, shall be assessed by the assessor of the county, city and county or municipal corporation in which said lands or improvements are located, and said assessment shall be subject to review, equalization and adjustment by the State Board of Equalization. The Legislature may provide, except in the case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this State.

SEC. 1a. Any educational institution of collegiate grade within the State of California, not conducted for profit, shall hold exempt from taxation its buildings and equipment, its ground within which its buildings are located, its securities and income used exclusively for the purposes of education.

The exemption granted by this section applies to and includes a building in the course of construction on or after the first Monday of March 1950, and the land on which the building is located, if the property is intended when completed to be used exclusively for the purposes of education.

SEC. 1b. All property used or held exclusively for the burial or other permanent deposit of the human dead or for the care, maintenance or upkeep of such property or such dead, except as used or held for profit, shall be free from taxation and local assessment.

SEC. 1c. In addition to such exemptions as are now provided in this Constitution, the Legislature may exempt from taxation all or any portion of property used exclusively for religious, hospital or charitable purposes and owned by community chests, funds, foundations or corporations organized and operated for religious, hospital or charitable purposes, not conducted for profit and no part

of the net earnings of which inures to the benefit of any private shareholder or individual. As used in this section, "property used exclusively for religious, hospital or charitable purposes" shall include a building and its equipment in the course of construction on or after the first Monday of March, 1954, together with the land on which it is located as may be required for the use and occupation of the building, to be used exclusively for religious, hospital or charitable purposes.

SEC. 1d. The homeowners' property tax exemption shall apply to each dwelling, as defined by the Legislature, occupied by an owner thereof on the lien date as his principal place of residence. This exemption shall not apply to any dwelling if an owner thereof has been granted an exemption for the assessment year pursuant to Section 1 1/4, 1 1/2 or 1 3/4 of this article, nor shall it apply to any property which the Legislature, by general laws, excludes from the exemption by reason of the fact that the tax on such property is paid either in whole or in part, either directly or indirectly, by the state or any political subdivision thereof. Only one homeowners' property tax exemption shall apply to each dwelling.

There is exempt from taxation the amount of \$750 of the assessed value of the dwelling and this shall be known as the homeowners' property tax exemption. The amount of the exemption may be increased or decreased by the Legislature; a majority of all of the members elected to each of the two houses voting in favor thereof; but such exemption shall not be reduced below \$750 of such assessed value.

The Legislature shall provide by general laws for subventions to counties, cities and counties, cities, and districts in this state in an amount equal to the amount of revenue lost by each such county, city and county, city, and district by reason of the homeowners' property tax exemption. No increase by the Legislature in the homeowners' property tax exemption above the amount of \$750 shall be effective for any fiscal year, unless the Legislature increases the rate of state taxes in an amount sufficient to provide subventions; and shall provide subventions, during such fiscal year to each county, city and county, city and district in this state a sum equal to the amount of revenue lost by each by reason of such increase.

Any revenues subvented by the state to replace revenues lost by reason of the homeowners' property tax exemption may be used by a county, city and county, city, or district for state purposes or for county, city and county, city, or district purposes, as the case may be.

Nothing in this Constitution shall constitute a limitation on the taxation of property, or on the bonding capacity of the state or of any city, city and county, county, or district, when based on a percentage of assessed or market value of property; provided, however, that the Legislature may establish maximum property tax rates and bonding limitations for units of local government.

For the 1968/1969 fiscal year only, the Legislature may effect the exemption by payment of \$70 to taxpayers in the manner specified in Senate Bill No. 8 of the 1968 First Extraordinary Session of the Legislature, the provisions of which are hereby ratified.

SEC. 1 1/4. The (a) property to the amount of one thousand dollars (\$1,000) of every resident of this State who has served in the Army, Navy, Marine Corps, Coast Guard or Revenue Marine (Revenue Cutter) Service of the United States (1) in time of war, or (2) in time of peace, in a campaign or expedition for service in which a medal has been issued by the Congress of the United States; and in either case has received an honorable discharge therefrom; or who after such service of the United States under such conditions has continued in such service, or who in time of war is in such service; or (3) who has been released from active duty because of disability resulting from such service in time of peace or under other honorable conditions, or lacking such amount of property in his own name, so much of the property of the wife of any such person as shall be necessary to equal said amount shall be exempt from taxation; provided, this exemption shall not apply to any person described in this subparagraph (a) owning property of the value of five thousand dollars (\$5,000) or more; or where the wife of such person owns property of the value of five thousand dollars (\$5,000) or more; and (b) property to the amount of one thousand dollars (\$1,000) of the widow resident in this State, or if there be no such widow, of the widowed mother resident in this State; of every person who has so served and has died either during his term of service or after receiving an honorable discharge from said service, or who has been released from active duty because of disability resulting from such service in time of peace or under other honorable conditions shall be exempt from taxation; provided this exemption shall not apply to any widow described in this subparagraph (b) owning property of the value of ten thousand dollars (\$10,000) or more; nor to any widowed mother described in this subparagraph (b) owning property of the value of five thousand dollars (\$5,000) or more; and (c) property to the amount of one thousand dollars (\$1,000) of pensioned widows, fathers, and mothers, resident in this State, of soldiers, sailors and marines who served in the Army, Navy, Marine Corps, Coast Guard or Revenue Marine (Revenue Cutter) Service of the United States shall be exempt from

taxation; provided, this exemption shall not apply to any person described in this subparagraph (c) owning property of the value of five thousand dollars (\$5,000) or more.

No exemption shall be made under the provisions of this section of the property of a person who is not legal resident of the State. No person described in this section who has served in the Army, Navy, Marine Corps, Coast Guard or Revenue Marine (Revenue Cutter) Service of the United States, nor a widow, father, or mother of such person, shall be eligible for an exemption as a result of such service, unless such person was a resident of California either or both (1) at the time of his entry into such service or (2) at the effective date of the amendment of this sentence as proposed at the 1963 Regular Session of the Legislature, except that a widow, father or mother who was eligible for the exemption at the effective date of said amendment of this sentence shall not lose his or her eligibility for the exemption as a result of that amendment. All real property owned by the Ladies of the Grand Army of the Republic and all property owned by the California Soldiers Widows Home Association shall be exempt from taxation.

SEC. 1 1/2a. The Legislature may exempt from taxation, in whole or in part, the property, constituting a home, of:

(a) every resident of this state who, by reason of his or her military or naval service, is qualified for the exemption provided in Section 1 1/4 of this article, without regard to any limitation contained therein on the value of property owned by such person or his or her spouse, and who, by reason of a permanent and total service-connected disability incurred in such military or naval service due to the loss, or loss of use, as the result of amputation, ankylosis, progressive muscular dystrophies, or paralysis, of both lower extremities, such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair, has received assistance from the Government of the United States in the acquisition of such property; or:

(b) every resident of this state who, by reason of his or her military or naval service, is qualified for the exemption provided in Section 1 1/4 of this article, without regard to any limitation contained therein on the value of property owned by such person or his or her spouse, and who, by reason of a permanent and total service-connected disability incurred in such military or naval service (1) has suffered the loss, or loss of use of both arms, as the result of amputation, ankylosis, progressive muscular dystrophies, or paralysis; or (2) is blind in both eyes with a visual acuity of 5/200 or less and has suffered the loss or loss of use, as the result of amputation, ankylosis, progressive muscular dystrophies, or paralysis, of one lower extremity or one arm or (3) has suffered the loss or loss of use, as a result of amputation, ankylosis, progressive muscular dystrophies, or paralysis, of both an upper and lower extremity; or:

(c) the surviving spouse of every such person qualifying for an exemption under subdivision (a) or (b); if the home was acquired as described in subdivision (a) or (b); except that such exemption shall not extend to more than one home nor exceed ten thousand dollars (\$10,000) for any person; for any person and his or her spouse; or for the surviving spouse of such person. This exemption shall be in lieu of the exemption provided in Section 1 1/4 of this article.

Where such totally disabled person, such person and his or her spouse, or the surviving spouse of such person, sells or otherwise disposes of such property and thereafter acquires, with or without the assistance of the Government of the United States, any other property which such totally disabled person, such person and his or her spouse, or the surviving spouse of such person, occupies habitually as a home, the exemption allowed pursuant to the first paragraph of this section shall be allowed to such other property.

This section shall not apply to a surviving spouse upon his or her remarriage.

SEC. 1 1/2b. The Legislature may exempt from taxation, in whole or in part, the property, constituting a home, of every resident of this state who, by reason of his military or naval service, is qualified for the exemption provided in subdivision (a) of Section 1 1/4 of this article, without regard to any limitation contained therein on the value of property owned by such person or his spouse, and who, by reason of a permanent and total service-connected disability incurred in such military or naval service is blind in both eyes with visual acuity of 5/200 or less; except that such exemption shall not extend to more than one home nor exceed ten thousand dollars (\$10,000) for any person or for any person and his spouse. This exemption shall be in lieu of the exemption provided in subdivision (a) of Section 1 1/4 of this article.

Where such blind person sells or otherwise disposes of such property and thereafter acquires, with or without the assistance of the government of the United States, any other property which such totally disabled person occupies habitually as a home, the exemption allowed pursuant to the first paragraph of this section shall be allowed to such other property.

The exemption provided by this section shall apply to the home of such a person which is owned by a corporation of which he is a shareholder, the rights of shareholding in which entitle him to

possession of a home owned by the corporation.

SEC. 147. All buildings and equipment, and so much of the real property on which they are situated as may be required for the convenient use and occupation of said buildings, when the same are used solely and exclusively for religious worship, and any building and its equipment in the course of erection, together with the land on which it is located as may be required for the convenient use and occupation of the building, if such building, equipment and land are intended to be used solely and exclusively for religious worship, and, until the Legislature shall otherwise provide by law, that real property owned by the owner of the building which the owner is required by law to make available for, and which is necessarily and reasonably required and exclusively used for the parking of the automobiles of persons while attending or engaged in religious worship in said building whether or not said real property is contiguous to land on which said building is located, and which real property has not been rented or used for any commercial purpose at any other time during the preceding year, shall be free from taxation; provided, that no building so used or, if in the course of erection, intended to be so used, its equipment or the land on which it is located, which may be rented for religious purposes and rent received by the owner therefor, shall be exempt from taxation.

SEC. 148. All buildings, and so much of the real property connected therewith as may be required for the occupation of institutions sheltering more than twenty orphan or half-orphan children receiving State aid shall be free from taxation; provided, that no building or real or personal property so used which may be rented and the rent received by the owner therefor shall be exempt from taxation under the terms of this act.

SEC. 160. Any lands owned by any county, city and county, or municipal corporation subject to taxation pursuant to Section 1 of this article shall be taxed in proportion to the value thereof to be ascertained as provided in said section; provided, however, that for any year subsequent to 1968 such value, with respect to any of said lands located in any county in which the aggregate assessed value of all property owned by any county, city and county, or municipal corporation was over 30% of the total assessed value of all property taxed in said county in 1967, shall be, and with respect to all other said lands, shall not be more than, an amount determined as follows:

(a) Any said lands subject to taxation on the lien date in 1967, whether or not so owned on said date, at the value assessed on said date, adjusted by a factor which shall be the ratio of (1) the total statewide assessed valuation of lands on the latest date prior to the date of assessment divided by the estimated civilian population of the state on the latest date prior to the date of assessment, to (2) the total statewide assessed valuation of lands on the lien date in 1967, divided by the estimated civilian population of the state on that date, which for the purpose of this section is deemed to be eight hundred fifty-six dollars (\$856).

(b) Any said lands acquired subsequent to the lien date in 1967 which were assessed on said date as part of a larger tax parcel, shall be assessed as hereinabove provided, by fixing the assessed value therefor on the lien date in 1967 as the proportion of the assessment of said parcel on said date determined by the ratio of the area of any said lands to the area of the tax parcel of which they were a part on said date.

(c) The total statewide assessed valuation of lands shall be the amount and the estimate of civilian population shall be the number for the latest dates prior to the date of assessment as determined and published by those state agencies responsible therefor. For each year subsequent to 1968, the Controller of the state shall determine the factor to be used as hereinabove provided.

SEC. 161. Any review, equalization and adjustment by the State Board of Equalization made pursuant to Section 1 shall be limited to a determination that such assessments are made in the manner specified in Sections 1-60, 1-62 and 1-63.

SEC. 162. For the purpose of assessing in any year subsequent to 1968 any lands owned by any county, city and county or municipal corporation in any county in which the aggregate assessed value of all property owned by any county, city and county or municipal corporation was over 30 percent of the total assessed value of all property taxed in said county in 1967, the assessment of any said lands on the lien date in 1967 shall be conclusively presumed to have been valid in every respect, and any action by any board, court or other reviewing body with respect to said assessment subsequent to July 1, 1968, shall be of no effect; and any said lands assessed on the lien date in 1967 shall be conclusively presumed to be subject to taxation in any year subsequent to 1968 and to be assessable and taxable in any year subsequent to 1968 at the situs at which they were assessed on the lien date in 1967; any other provision of this article to the contrary notwithstanding; provided, any divestment of ownership of such land without water rights shall not diminish the quantity of water rights assessable and taxable at the situs as of the lien date in 1967. The assessment of all lands owned by any county, city and county, or municipal corporation on the lien date in 1967 shall further be

conclusively presumed to have included all of the interest in said lands so owned by said county, city and county, or municipal corporation; and no other or additional interest in said lands shall thereafter be assessed to any county, city and county or municipal corporation. Any such lands not assessed on the lien date in 1967 shall not thereafter be subject to taxation while so owned. Any said lands acquired subsequent to the lien date in 1967 which were not assessed on said date and each lien date thereafter shall not be subject to taxation while so owned.

SEC. 163. No replacement or substitution, made subsequent to March 1951, of improvements belonging to any county, city and county, or municipal corporation, shall, while owned by and in the possession of any county, city and county, or municipal corporation, be assessed at more than the highest value ever assessed upon the improvement replaced by such replacement or substitution improvement.

SEC. 164. The term "lands" as used in Section 1 and Sections 1-60 to 1-69, inclusive, of this article shall mean lands and any interest in lands including, but not limited to, all right to water or to the use or flow of water in or from any natural stream, lake or watercourse or in or from any ground water source.

SEC. 165. "County, city and county, or municipal corporation," as used in Section 1 and Sections 1-60 to 1-69, inclusive, of this article, shall be deemed to include any public district or public agency.

SEC. 166. No tax, charge, assessment or levy of any character or kind whatsoever, other than those taxes and assessments provided for in Sections 1 and 1-60 to 1-65, inclusive, of this article, by any county or other public agency, to which any county, city and county or municipal corporation may be subject by reason of the production, gathering, storage, transmission, sale or use of water by it, shall be based upon or calculated upon the consumption or use of such water outside the boundaries of any such county or other public agency.

SEC. 167. For the purpose of assessing in any year subsequent to 1968 any lands owned by any county, city and county or municipal corporation, which lands were assessed to such county, city and county or municipal corporation on the lien date in 1966 in any county in which the aggregate assessed value of all property owned by any county, city and county or municipal corporation was more than 35 percent of the total assessed value of all property taxed in said county in 1966, the terms "lien date in 1967" and "1967," wherever used in Sections 1-60 to 1-66, inclusive, of this article, shall be deemed to be "lien date in 1966" and "1966," respectively, and the amount of eight hundred fifty-six dollars (\$856) in Section 1-60 of this article shall be deemed to be seven hundred sixty-six dollars (\$766).

SEC. 168. Any interest of any character or kind whatsoever, other than a lease for agricultural purposes, owned, claimed, possessed or controlled by any person other than a county, city and county or municipal corporation in any lands owned by any county, city and county or municipal corporation, which lands are subject to taxation pursuant to Section 1 of this article, shall be taxable to such person except to the extent that such person or such interest is expressly exempted from taxation by the provisions of this Constitution. Such interest shall be taxed to such person in proportion to the value thereof to be ascertained as provided in Section 1 of this article; provided, however, that such value shall not exceed the aggregate value so ascertained of all interests in said lands reduced by the value of the interests in said lands owned by any county, city and county or municipal corporation ascertained as provided in Sections 1-60 to 1-67, inclusive, of this article.

SEC. 169. Nothing in Sections 1-60 to 1-67, inclusive, of this article shall be construed as exempting from taxation any interest in property of any character or kind whatsoever owned, claimed, possessed or controlled by any person other than a county, city and county or municipal corporation, or as rendering such interest taxable by any method other than that provided for in Section 1 of this article; nor shall such interest be considered as constituting property or lands owned by a county, city and county or municipal corporation for the purpose of computing any of the percentage figures required to be computed in determining the applicability of any of the provisions of Sections 1-60, 1-62 or 1-67 of this article.

SEC. 17. All bonds hereafter issued by the State of California, or by any county, city and county, municipal corporation, or district (including school, reclamation, and irrigation districts) within said State, shall be free and exempt from taxation.

SEC. 2. Land, and the improvements thereon, shall be separately assessed. Cultivated and uncultivated land, of the same quality, and similarly situated, shall be assessed at the same value.

SEC. 2.5. The Legislature may by law prohibit the valuation of single-family dwellings for purposes of property taxation at any value greater than that which would reflect the use of the property as a site for a single-family dwelling.

As used in this section, "single-family dwelling" means a single-family dwelling occupied by an owner thereof on the lien date and so much of the land on which it is situated as may be required for the convenient use and occupation of such dwelling, if such

dwelling is on land which is zoned exclusively for single/family home use or which is zoned for agricultural use where single/family homes are permitted.

SEC. 10.6. In assessing real property consisting of one parcel of 10 acres or more and used exclusively for nonprofit golf course purposes for at least two successive years prior to the assessment; the assessor shall consider no factors other than those relative to such use. He may, however, take into consideration the existence of any mines, minerals and quarries in the property, including, but not limited to oil, gas and other hydrocarbon substances.

SEC. 10.8. The Legislature shall have the power to authorize local taxing agencies to provide for the assessment or reassessment of taxable property where after the lien date for a given tax year taxable property is damaged or destroyed by a misfortune or calamity.

SEC. 10.9. Every tract of land containing more than six hundred and forty acres and which has been sectionized by the United States Government, shall be assessed, for the purposes of taxation, by sections or fractions of sections. The Legislature shall provide by law for the assessment, in small tracts, of all lands not sectionized by the United States Government.

SEC. 11. All vessels of more than 50 tons burden registered at any port in this State and engaged in the transportation of freight or passengers shall be exempt from taxation except for state purposes.

SEC. 12. The power of taxation shall never be surrendered or suspended by any grant or contract to which the State shall be a party.

SEC. 13. The Legislature shall have the power to provide by law for the payment of all taxes on real property by installments.

SEC. 14. State Board of Equalization; consisting of four members, shall be elected by the qualified electors of their respective districts; at each gubernatorial election; whose term of office shall be for four years; whose duty it shall be to equalize the valuation of the taxable property in the several counties of the State for the purposes of taxation. The Controller of State shall be ex officio a member of the board. The boards of supervisors of the several counties of the State shall constitute boards of equalization for their respective counties; whose duty it shall be to equalize the valuation of the taxable property in the county for the purpose of taxation; provided, such state and county boards of equalization are hereby authorized and empowered, under such rules of notice as the county boards may prescribe; as to the county assessments; and under such rules of notice as the state board may prescribe as to the action of the state board; to increase or lower the entire assessment roll; or any assessment contained therein; so as to equalize the assessment of the property contained in said assessment roll; and make the assessment conform to the true value in money of the property contained in said roll; provided, that no board of equalization shall raise any mortgage, deed of trust, contract, or other obligation by which a debt is secured, money, or solvent credits, above its face value. The present State Board of Equalization shall continue in office until their successors, as herein provided for, shall be elected and shall qualify. The Legislature shall have power to redistrict the State into four districts as nearly equal in population as practical; and to provide for the elections of members of said Board of Equalization.

SEC. 15. The taxes levied for any current tax year upon personal property and assessments upon possession of, claim to, or right to the possession of land and upon taxable improvements located on land exempt from taxation; which are not a lien upon land sufficient in value to secure their payment; shall be based upon the rates for taxes levied for the preceding tax year upon property of the same kind where the taxes were a lien upon land sufficient in value to secure the payment thereof. Nothing in this section shall be construed to prohibit the equalization each year of the assessment on such property in the manner now or hereafter provided by law.

SEC. 16. (a) The board of supervisors of any county may by ordinance create assessment appeals boards for the county.

When created and in existence assessment appeals boards shall constitute boards of equalization for their respective counties. Each board shall have the power to equalize the valuation of the taxable property in the county for the purpose of taxation in the manner provided for in Section 9 of this article. All general laws pertaining to county boards of equalization shall be applicable to county assessment appeals boards. The board of supervisors shall fix the compensation payable to members of assessment appeals boards; provide such clerical and other assistance as is necessary therefor and adopt such rules of notice and procedure for such boards as may be required to facilitate their work and to insure uniformity in the processing and decision of equalization petitions.

(b) The Legislature shall provide by law for:

(1) The number of assessment appeals boards; in excess of one, which may be created within any county and the number of members to serve on each such board.

(2) The qualifications of and manner of selection and appointment of persons to serve on such boards.

(3) The terms for which members shall serve; for their removal and for the procedure for the discontinuance of such boards in any county.

SEC. 17. All property, except as otherwise in this Constitution provided; shall be assessed in the county, city, city and county, town or township; or district in which it is situated; in the manner prescribed by law.

SEC. 18. The personal property of every householder to the amount of one hundred dollars; the articles to be selected by each householder; shall be exempt from taxation.

SEC. 19. Income taxes may be assessed to and collected from persons, corporations, joint/stock associations; or companies resident or doing business in this State; or any one or more of them; in such cases and amounts; and in such manner; as shall be prescribed by law.

SEC. 20. Money allocated by the Legislature from the State General Fund to any county, city and county; or city may be used when specified by the Legislature for county, city and county, or city purposes; as the case may be.

SEC. 21. Fruit and nut-bearing trees under the age of four years from the time of planting in orchard form; and grape vines under the age of three years from the time of planting in vineyard form; and all immature forest trees which have been planted on lands not previously bearing merchantable timber; or planted or of natural growth; upon lands from which the merchantable original growth timber stand to the extent of seventy per cent of all trees over sixteen inches in diameter has been removed; shall be exempt from taxation; and nothing in this article shall be construed as subjecting such trees and grapevine and forest trees to taxation; provided, that forest trees or timber shall be considered mature for the purpose of this act at such time; after forty years from the time of planting or removal of the original timber as above provided; as a board consisting of a representative from the State board of forestry; a representative from the State board of equalization and the county assessor of the county in which the timber is located; shall by a majority thereof so determine.

SEC. 22. The Legislature shall pass all laws necessary to carry out the provisions of this article.

SEC. 23. All pipe lines, flumes, canals, ditches and aqueducts not entirely within the limits of any one county; and all property, other than franchises, owned or used by (1) railroad companies including street railways; herein defined to include interurban electric railways; whether operating in one or more counties; (2) sleeping car; dining car; drawing room car; and palace car companies; refrigerator, oil, stock, fruit and other carloading and other car companies operating upon the railroads in the State; (3) companies doing express business on any railroad; steamboat; vessel or stage line in this State; (4) telegraph and telephone companies; (5) companies engaged in the transmission or sale of gas or electricity; shall be assessed annually by the State Board of Equalization; at the actual value of such property.

All property so assessed by said board shall be subject to taxation to the same extent and in the same manner as other property.

All companies herein mentioned and their franchises; other than insurance companies and their franchises; shall be taxed in the same manner and at the same rates as mercantile, manufacturing and business corporations and their franchises are taxed pursuant to Section 16 of this article; provided, that nothing herein shall be construed to release any company mentioned in this section from the payment of any amount agreed to be paid or required by law to be paid for any special privilege or franchise granted by any political subdivision or municipality of this State; provided further, that no excise, or income tax or any other form of tax or license charge shall be levied or assessed upon or collected from the companies; or any of them; mentioned in the first paragraph of this section; in any manner or form; different from; or at a higher rate than that imposed upon or collected from mercantile, manufacturing and business corporations doing business within this State.

The Legislature shall have the power to provide for the assessment; levy and collection of taxes upon all forms of tangible personal property; all notes, debentures; shares of capital stock; bonds; solvent credits; deeds of trust; mortgages; and any legal or equitable interest therein; not exempt from taxation under the provisions of this Constitution; in such manner; and at such rates; as may be provided by law; and in pursuance of the exercise of such power the Legislature, two-thirds of all of the members elected to each of the two houses voting in favor thereof; may classify any and all kinds of personal property for the purposes of assessment and taxation in a manner and at a rate or rates in proportion to value different from any other property in this State subject to taxation and may exempt entirely from taxation any or all forms, types or classes of personal property.

The total tax imposed on notes, debentures; shares of capital stock; bonds; solvent credits; deeds of trust; mortgages and any legal or equitable interest therein in pursuance of the provisions of this section shall not be at a rate in excess of four-tenths of 1 percent of the actual value of such property and no tax burden shall be imposed upon any personal property either tangible or intangible which shall exceed the tax burden on real property in the same taxing jurisdiction in proportion to the actual value of such property.

The word "companies" as used in this section shall include persons;

partnerships, joint stock associations, companies and corporations.

Nothing herein contained shall be construed to subject to assessment and taxation property which is exempt from taxation under other provisions of this Constitution.

SEC. 14½. (a) "Insurer," as used in this section, includes insurance companies or associations and reciprocal or interinsurance exchanges together with their corporate or other attorneys in fact considered as a single unit, and the State Compensation Insurance Fund. As used in this paragraph, "companies" includes persons, partnerships, joint stock associations, companies and corporations.

(b) An annual tax is hereby imposed on each insurer doing business in this state on the basis, at the rates, and subject to the deductions from the tax hereinafter specified.

(c) In the case of an insurer not transacting title insurance in this state, the "basis of the annual tax" is, in respect to each year, the amount of gross premiums, less return premiums, received in such year by such insurer upon its business done in this state, other than premiums received for reinsurance and for ocean marine insurance.

In the case of an insurer transacting title insurance in this state, the "basis of the annual tax" is, in respect to each year, all income upon business done in this state, except:

- (1) Interest and dividends.
- (2) Rents from real property.
- (3) Profits from the sale or other disposition of investments.
- (4) Income from investments.

"Investments" as used in this subdivision (d) includes property acquired by such insurer in the settlement or adjustment of claims against it but excludes investments in title plants and title records. Income derived directly or indirectly from the use of title plants and title records is included in the basis of the annual tax.

In the case of an insurer transacting title insurance in this state which has a trust department and does a trust business under the banking laws of this state, there shall be excluded from the basis of the annual tax imposed by this section, the income of, and from the assets of, such trust department and such trust business, if such income is taxed by this state or included in the measure of any tax imposed by this state.

(d) The rate of the tax to be applied to the basis of the annual tax in respect to each year is 2.25 percent.

(e) (1) Each insurer shall have the right to deduct from the annual tax imposed by this section upon such insurer in respect to a particular year the amount of real estate taxes paid by it, in that year, before, or within 30 days after, becoming delinquent, on real property owned by it at the time of payment, and in which was located, in that year, its home office or principal office in this state. Such real property may consist of one building or of two or more adjacent buildings in which such an office is located; the land on which they stand; and so much of the adjacent land as may be required for the convenient use and occupation thereof.

(2) In the event a portion of the real property described in paragraph (1) of this subdivision is occupied by a person or persons other than the insurer the deduction granted the insurer by said paragraph shall be limited to that percentage, not to exceed 100 percent, equal to the sum of (i) the percentage of occupancy of the insurer obtained by deducting from 100 percent the ratio that the square footage of said building or buildings occupied by the person or persons other than the insurer bears to the total square footage of said building or buildings plus (ii) the lesser of one-half of said percent of occupancy of the insurer or 25 percent; provided, however, that the limitation set forth in this paragraph shall not be applicable to such real property occupied by a domestic insurer as its home office or principal office in this state on January 1, 1970, or to such real property upon which construction of the home office or principal office of the domestic insurer commenced prior to January 1, 1970. As used in this paragraph, "domestic insurer" means an insurer organized under the laws of this state and licensed to transact insurance in this state on or before December 31, 1966.

(3) The phrase "person or persons other than the insurer" as used in paragraph (2) of this subdivision shall not include (i) another insurance company or association affiliated directly or indirectly with the insurer through direct ownership or common ownership or control; or (ii) the corporate or other manager of the insurer to the extent of its insurance management activities. The Legislature may define the terms used in this paragraph for the sole purpose of facilitating the operation of this paragraph.

(f) The tax imposed on insurers by this section is in lieu of all other taxes and licenses, state, county, and municipal, upon such insurers and their property, except:

- (1) Taxes upon their real estate.

(2) That an insurer transacting title insurance in this state which has a trust department or does a trust business under the banking laws of this state is subject to taxation with respect to such trust department or trust business to the same extent and in the same manner as trust companies and the trust departments of banks doing business in this state.

(3) When by or pursuant to the laws of any other state or foreign country any taxes, licenses and other fees, in the aggregate, and any fines, penalties, deposit requirements or other material obligations, prohibitions or restrictions are or would be imposed upon California insurers, or upon the agents or representatives of such insurers, which are in excess of such taxes, licenses and other fees, in the aggregate, or which are in excess of the fines, penalties, deposit requirements or other obligations, prohibitions, or restrictions directly imposed upon similar insurers, or upon the agents or representatives of such insurers, of such other state or country under the statutes of this state, so long as such laws of such other state or country continue in force or are so applied, the same taxes, licenses and other fees, in the aggregate, or fines, penalties or deposit requirements or other material obligations, prohibitions, or restrictions, of whatever kind shall be imposed upon the insurers, or upon the agents or representatives of such insurers, of such other state or country doing business or seeking to do business in California. Any tax, license or other fee or other obligation imposed by any city, county, or other political subdivision or agency of such other state or country on California insurers or their agents or representatives shall be deemed to be imposed by such state or country within the meaning of this paragraph (3) of subdivision (f).

The provisions of this paragraph (3) of subdivision (f) shall not apply as to personal income taxes, nor as to ad valorem taxes on real or personal property nor as to special purpose obligations or assessments heretofore imposed by another state or foreign country in connection with particular kinds of insurance, other than property insurance, except that deductions, from premium taxes or other taxes otherwise payable, allowed on account of real estate or personal property taxes paid shall be taken into consideration in determining the property and extent of retaliatory action under this paragraph (3) of subdivision (f).

For the purposes of this paragraph (3) of subdivision (f) the domicile of an alien insurer, other than insurers formed under the laws of Canada, shall be that state in which is located its principal place of business in the United States.

In the case of an insurer formed under the laws of Canada or a province thereof, its domicile shall be deemed to be that province in which its head office is situated.

The provisions of this paragraph (3) of subdivision (f) shall also be applicable to reciprocals or interinsurance exchanges and fraternal benefit societies.

(4) The tax on ocean marine insurance.

(5) Motor vehicle and other vehicle registration license fees and any other tax or license fee imposed by the state upon vehicles, motor vehicles or the operation thereof.

(6) That each corporate or other attorney in fact of a reciprocal or interinsurance exchange shall be subject to all taxes imposed upon corporations or others doing business in the state, other than taxes on income derived from its principal business as attorney in fact.

A corporate or other attorney in fact of each exchange shall annually compute the amount of tax that would be payable by it under prevailing law except for the provisions of this section, and any management fee due from each exchange to its corporate or other attorney in fact shall be reduced pro tanto by a sum equivalent to the amount so computed.

(g) Every insurer transacting the business of ocean marine insurance in this state shall annually pay to the state a tax measured by that proportion of the underwriting profit of such insurer from such insurance written in the United States, which the gross premiums of the insurer from such insurance written in this state bear to the gross premiums of the insurer from such insurance written within the United States, at the rate of 5 per centum, which tax shall be in lieu of all other taxes and licenses, state, county and municipal, upon such insurer, except taxes upon real estate, and such other taxes as may be assessed or levied against such insurer on account of any other class of insurance written by it. Deductions from the annual tax pursuant to subdivision (e) cannot be made from the ocean marine tax. The Legislature shall define the terms "ocean marine insurance" and "underwriting profit," and shall provide for the assessment, levy, collection and enforcement of the ocean marine tax.

(h) The taxes provided for by this section shall be assessed by the State Board of Equalization.

(i) The Legislature, two-thirds of all the members elected to each of the two houses voting in favor thereof, may by law change the rate or rates of taxes herein imposed upon insurers.

(j) This section is not intended to and does not change the law as it has previously existed with respect to the meaning of the words "gross premiums, less return premiums, received" as used in this section or as used in Section 14 or 14½ of this article.

SEC. 15. Out of the revenue from State taxes for which provision is made in this article, together with all other State revenues, there shall first be set apart the moneys to be applied by the State to the support of the Public School System and the State University.

If the Legislature limits the amount of revenue which may be

raised from taxes upon the real and personal property according to the value thereof in pursuance of its power so to do under Section 20 of Article XI of this Constitution; then the Legislature shall provide for the raising of revenue by any form of taxation not prohibited by this Constitution in amount sufficient to apportion and shall apportion to each county and city and county an amount equal to the deficiency in the revenues thereof resulting from such limitation; as such deficiency shall be determined by law; provided, however, that no tax shall be levied by the Legislature in pursuance of this section upon property in proportion to the value thereof in excess of the limitation for which provision is made in Section 31a of Article IV of this Constitution with reference to taxes for State purposes on real and personal property and further provided that no taxes upon property in proportion to the value thereof shall be levied in pursuance of this section for the support of any county or city and county government.

No injunction or writ of mandate or other legal or equitable process shall ever issue in any suit, action or proceeding in any court against this State, or any officer thereof, to prevent or enjoin the collection of any tax levied under the provisions of this article; but after payment thereof action may be maintained to recover, with interest, in such manner as may be provided by law, any tax claimed to have been illegally collected.

SEC. 16. 1. (a) Banks, including national banking associations, located within the limits of this State, shall annually pay to the State a tax, at the rate to be provided by law according to or measured by their net income, which shall be in lieu of all other taxes and licenses, state, county and municipal, upon such banks, or the shares thereof, except taxes upon their real property and, when permitted by the Congress of the United States with respect to national banking associations, motor vehicle and other vehicle registration license fees and any other tax or license fee imposed by the State upon vehicles, motor vehicles or the operation thereof.

(b) The Legislature may provide by law for any other form of taxation now or hereafter permitted by the Congress of the United States respecting national banking associations; provided, that such form of taxation shall apply to all banks located within the limits of this State.

2. The Legislature may provide by law for the taxation of corporations, their franchises, or any other franchises, by any method not prohibited by this Constitution or the Constitution or laws of the United States.

3. Any tax imposed pursuant to this section must be under an act passed by not less than two-thirds vote of all the members elected to each of the two houses of the Legislature.

SEC. 17. All proceedings undertaken by any chartered city, or by any chartered county or by any chartered city and county for the construction of any public improvement, or the acquisition of any property for public use, or both, where the cost thereof is to be paid in whole or in part by special assessment or other special assessment taxes upon property, whether the special assessment will be specific or a special assessment tax upon property wholly or partially according to the assessed value of such property, shall be undertaken only in accordance with the provisions of law governing: (a) limitations of costs of such proceedings or assessments for such proceedings, or both, in relation to the value of any property assessed therefor; (b) determination of a basis for the valuation of any such property; (c) payment of the cost in excess of such limitations; (d) avoidance of such limitations; (e) postponement or abandonment, or both, of such proceedings in whole or in part upon majority protest; and particularly in accordance with such provisions as contained in Sections 10, 11 and 12a of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 or any amendments, codification, reenactment or restatement thereof.

Notwithstanding any provisions for debt limitation or majority protest as in this section provided, if, after the giving of such reasonable notice by publication and posting and the holding of such public hearing as the legislative body of any such chartered county, chartered city or chartered city and county shall have prescribed, such legislative body by no less than a four-fifths vote of all members thereof, finds and determines that the public convenience and necessity require such improvements or acquisitions, such debt limitation and majority protest provisions shall not apply.

Nothing contained in this section shall require the legislative body of any such city, county, or city and county to prepare or to cause to be prepared, hear, notice for hearing or report the hearing of any report as to any such proposed construction or acquisition or both.

SEC. 18. The repeal or deletion of any provision of this article, regardless of when effected, shall not affect the collectibility of any tax assessed pursuant to such provisions while such provision was in effect.

SEC. 19. All property in a redevelopment project established under the Community Redevelopment Law Act as now existing or hereafter amended, except publicly owned property not subject to taxation by reason of such ownership, shall be taxed in proportion to

its value as provided in Section 1 of this article, and such taxes (the word "taxes" as used herein shall include, but shall not be limited to, all levies on an ad valorem basis upon land or real property) shall be levied and collected as other taxes are levied and collected by the respective taxing agencies.

The Legislature may provide that any redevelopment plan contain a provision that the taxes, if any, so levied upon such taxable property in a redevelopment project each year by or for the benefit of the State of California, any city, county, city and county, district, or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving the redevelopment plan, shall be divided as follows:

(a) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of said taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment project as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such ordinance, shall be allocated to, and when collected shall be paid into, the funds of the respective taxing agencies as taxes by or for said taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory in a redevelopment project on the effective date of such ordinance but to which such territory has been annexed or otherwise included after such effective date, the assessment roll of the county last equalized on the effective date of said ordinance shall be used in determining the assessed valuation of the taxable property in the project on said effective date); and

(b) That portion of said levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the redevelopment agency to pay the principal of and interest on loans; moneys advanced to, or indebtedness (whether funded, refunded, assumed or otherwise) incurred by such redevelopment agency to finance or refinance, in whole or in part, such redevelopment project. Unless and until the total assessed valuation of the taxable property in a redevelopment project exceeds the total assessed value of the taxable property in such project as shown by the last equalized assessment roll referred to in paragraph designated (a) hereof, all of the taxes levied and collected upon the taxable property in such redevelopment project shall be paid into the funds of the respective taxing agencies. When said loans, advances, and indebtedness, if any, and interest thereon, have been paid, then all moneys thereafter received from taxes upon the taxable property in such redevelopment project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

The Legislature may also provide that in any redevelopment plan or in the proceedings for the advance of moneys, or making of loans, or the incurring of any indebtedness (whether funded, refunded, assumed or otherwise) by the redevelopment agency to finance or refinance, in whole or in part, the redevelopment project, the portion of taxes mentioned in paragraph designated (b) hereof may be irrevocably pledged for the payment of the principal of and interest on said loans, advances, or indebtedness.

It is intended by this section to empower any redevelopment agency, city, county, or city and county under any law authorized by this section to exercise the provisions hereof separately or in combination with powers granted by the same or any other law relative to redevelopment agencies. This section shall not affect any other law or laws relating to the same or a similar subject but is intended to authorize an alternative method of procedure governing the subject to which it refers.

The Legislature shall enact such laws as may be necessary to enforce the provisions of this section.

SEC. 20. Notwithstanding any limitations or restrictions in this Constitution contained, every state office, department, institution, board, commission, bureau, or other agency of the State, whether created by initiative law or otherwise, shall be subject to the regulations and requirements with respect to the filing of claims with the State Controller and the submission, approval and enforcement of budgets prescribed by law.

SEC. 21. No money shall be drawn from the Treasury but in consequence of appropriation made by law, and upon warrants duly drawn thereon by the Controller. No money shall ever be appropriated or drawn from the State Treasury for the purpose or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the State as a state institution, nor shall any grant or donation of property ever be made thereto by the State, except that notwithstanding anything contained in this or any other section of the Constitution:

(1) Whenever federal funds are made available for the construction of hospital facilities by public agencies and nonprofit corporations organized to construct and maintain such facilities, nothing in this Constitution shall prevent the Legislature from making state money available for that purpose, or from authorizing the use of such money for the construction of hospital facilities by

nonprofit corporations organized to construct and maintain such facilities.

(8) The Legislature shall have the power to grant aid to the institutions conducted for the support and maintenance of minor orphans, or half-orphans, or abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he cannot pursue a gainful occupation; or aged persons in indigent circumstances; such aid to be granted by a uniform rule, and proportioned to the number of inmates of such respective institutions.

(9) The Legislature shall have the power to grant aid to needy blind persons not inmates of any institution supported in whole or in part by the State or by any of its political subdivisions; and no person concerned with the administration of aid to needy blind persons shall dictate how any applicant or recipient shall expend such aid granted him; and all money paid to a recipient of such aid shall be intended to help him meet his individual needs and is not for the benefit of any other person; and such aid when granted shall not be construed as income to any person other than the blind recipient of such aid; and the State Department of Social Welfare shall take all necessary action to enforce the provisions relating to aid to needy blind persons as heretofore stated.

(10) The Legislature shall have power to grant aid to needy physically handicapped persons not inmates of any institution under the supervision of the Department of Mental Hygiene and supported in whole or in part by the State or by any institution supported in whole or part by any political subdivision of the State.

(11) The State shall have at any time the right to inquire into the management of such institutions.

(12) Whenever any county, or city and county, or city, or town, shall provide for the support of minor orphans, or half-orphans, or abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he cannot pursue a gainful occupation; or aged persons in indigent circumstances; or needy blind persons not inmates of any institution supported in whole or in part by the State or by any of its political subdivisions; or needy physically handicapped persons not inmates of any institution under the supervision of the Department of Mental Hygiene and supported in whole or in part by the State or by any institution supported in whole or part by any political subdivision of the State; such county, city and county, city, or town shall be entitled to receive the same pro rata appropriations as may be granted to such institutions under church, or other control.

An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the Legislature.

SEC. 21.5. The Legislature shall have the power to insure or guarantee loans made by private or public lenders to nonprofit corporations and public agencies; the proceeds of which are to be used for the construction; expansion; enlargement; improvement; renovation or repair of any public or nonprofit hospital; hospital facility; or extended care facility; facility for the treatment of mental illness; or all of them; including any outpatient facility and any other facility useful and convenient in the operation of the hospital and any original equipment for any such hospital or facility; or both.

No provision of this Constitution; including but not limited to; Section 1 of Article XVI and Section 18 of Article XI; shall be construed as a limitation upon the authority granted to the Legislature by this section.

SEC. 22. All money collected under the provision of any law of this State relating to the protection; conservation; propagation; or preservation of fish; game; mollusks; or crustaceans and all fines and forfeitures imposed by any court for the violation of any such law shall be used and expended exclusively for the protection; conservation; propagation; and preservation of fish; game; mollusks; or crustaceans and for the administration and enforcement of laws relating thereto. The Legislature may provide for the division of money derived from such fines and forfeitures.

SEC. 23. The Legislature may provide that any money belonging to the State in the control of any State agency or department or collected under the authority of this State from any source whatever other than money in the control of or collected by the Regents of The University of California shall be held in trust by the State Treasurer prior to its deposit in the State Treasury by the State agency or department as may be required by law. Any money held in trust may be disbursed by the State Treasurer upon the order of the State agency or department in the manner permitted by law and money held in trust may be deposited in banks to the same extent that money in the State Treasury may be deposited in banks.

SEC. 24. Neither the Legislature; nor any county, city and county, township, school district, or other municipal corporation; shall ever make an appropriation; or pay from any public fund whatever; or grant anything to or in aid of any religious sect; church; creed; or sectarian purpose; or help to support or sustain any school, college,

university; hospital; or other institution controlled by any religious creed; church; or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the State; or any city, county, township, or other municipal corporation for any religious creed; church; or sectarian purpose whatever; provided; that nothing in this section shall prevent the Legislature granting aid pursuant to Section 21 of this article.

SEC. 25. The Legislature shall have no power to give or to lend; or to authorize the giving or lending; of the credit of the State; or of any county, city and county, city, township or other political corporation or subdivision of the State now existing; or that may be hereafter established; in aid of or to any person; association; or corporation; whether municipal or otherwise; or to pledge the credit thereof; in any manner whatever; for the payment of the liabilities of any individual; association; municipal or other corporation whatever; nor shall it have power to make any gift or authorize the making of any gift; of any public money or thing of value to any individual; municipal or other corporation whatever; provided; that nothing in this section shall prevent the Legislature granting aid pursuant to Section 21 of this article; and it shall not have power to authorize the State; or any political subdivision thereof; to subscribe for stock; or to become a stockholder in any corporation whatever; provided; further; that irrigation districts for the purpose of acquiring the control of any entire international water system necessary for its use and purposes; a part of which is situated in the United States; and a part thereof in a foreign country; may in the manner authorized by law; acquire the stock of any foreign corporation which is the owner of; or which holds the title to the part of such system situated in a foreign country; provided; further; that irrigation districts for the purpose of acquiring water and water rights and other property necessary for their uses and purposes; may acquire and hold the stock of corporations; domestic or foreign; owning waters; water rights; canals; waterworks; franchises or concessions subject to the same obligations and liabilities as are imposed by law upon all other stockholders in such corporation; and

Provided; further; that nothing contained in this Constitution shall prohibit the use of State money or credit; in aiding veterans who served in the military or naval service of the United States during the time of war; in the acquisition of; or payments for; (1) farms or homes; or in projects of land settlement or in the development of such farms or homes or land settlement projects for the benefit of such veterans; or (2) any business; land or any interest therein; buildings; supplies; equipment; machinery; or tools; to be used by the veteran in pursuing a gainful occupation.

And provided; still further; that notwithstanding the restrictions contained in this Constitution; the treasurer of any city, county, or city and county shall have power and it shall be his duty to make such temporary transfers from the funds in his custody as may be necessary to provide funds for meeting the obligations incurred for maintenance purposes by any city, county, city and county, district, or other political subdivision whose funds are in his custody and are paid out solely through his office. Such temporary transfer of funds to any political subdivision shall be made only upon resolution adopted by the governing body of the city, county, or city and county directing the treasurer of such city, county, or city and county to make such temporary transfer. Such temporary transfer of funds to any political subdivision shall not exceed 85 percent of the taxes accruing to such political subdivision; shall not be made prior to the first day of the fiscal year nor after the last Monday in April of the current fiscal year; and shall be replaced from the taxes accruing to such political subdivision before any other obligation of such political subdivision is met from such taxes.

SEC. 25.5. The Legislature may; by general law; authorize counties; cities and counties; and cities; or any of them; to enter into contracts to apportion between them the revenue derived from any sales or use tax imposed by a county, city and county, or city; which is collected for such county, city and county, or city by the state. Before any such contract becomes operative; it shall be submitted at a general election or at a direct primary election to the qualified electors of each county, city and county and city which is a party thereto and shall have received a majority of all the votes cast for and against it at such election in each such county, city and county and city; which is a party to the contract. The agreement may provide that the recipient of any funds pursuant to a contract entered into under a legislative authorization pursuant to this section may use such funds for any purpose for which the recipient could expend its own revenues.

SEC. 26. No provision of this Constitution shall be construed as a limitation upon the power of the Legislature to provide by general law; from public moneys or funds; for the indemnification of the owners of live stock taken; slaughtered or otherwise disposed of pursuant to law to prevent the spread of a contagious or infectious disease; provided; the amount paid in any case for such animal or animals shall not exceed the value of such animal or animals.

SEC. 27. No provision of this Constitution shall be construed as a limitation upon the power of the Legislature to provide that the lien

of every tax, whether heretofore or hereafter attaching, shall cease to exist for all purposes after 20 years from the time such tax became a lien, or to provide that every tax whether heretofore or hereafter levied shall be conclusively presumed to have been paid after thirty years from the time the same became a lien unless the property subject thereto has been sold in the manner provided by law for the payment of said tax.

SEC. 28. No provision of this Constitution shall be construed as a limitation upon the power of the Legislature to provide by general law for the refunding, repayment or adjustment, from public funds raised or appropriated by the United States, the State or any city, city and county, or county for street and highway improvement purposes, of assessments or bonds, or any portion thereof, which have become a lien upon real property, and which were levied or issued to pay the cost of street or highway improvements or of opening and widening proceedings which may be or may have become of more than local benefit. Any such acts of the Legislature heretofore adopted are hereby confirmed and declared valid and shall have the same force and effect as if adopted after the effective date of this amendment.

SEC. 29. Not more than 25 percent of the total appropriations from all funds of the State shall be raised by means of taxes on real and personal property according to the value thereof.

SEC. 37. Except as otherwise provided in this Constitution, the Legislature shall have no power to impose taxes upon counties, cities, towns or other public or municipal corporations, or upon the inhabitants or property thereof, for county, city, town, or other municipal purposes; but may, by general laws, vest in the corporate authorities thereof the power to assess and collect taxes for such purposes.

All property subject to taxation shall be assessed for taxation at its full cash value.

SEC. 37.5. Any county, city and county, city, town, municipality, irrigation district, or other public corporation, issuing bonds under the laws of the State, is hereby authorized and empowered to make said bonds and the interest thereon payable at any place or places within or outside of the United States, and in any money, domestic or foreign, designated in said bonds.

SEC. 38. All moneys, assessments, and taxes belonging to or collected for the use of any county, city, town, or other public or municipal corporation, coming into the hands of any officer thereof, shall immediately be deposited with the Treasurer, or other legal depository, to the credit of such city, town, or other corporation respectively, for the benefit of the funds to which they respectively belong.

SEC. 39. All moneys belonging to, or in the custody of, the State, or any county, city and county, city, town, municipality or other public or municipal corporation, within this State may be deposited in any national bank or banks within this State, or in any bank or banks organized under the laws of this State, in such manner and under such conditions as may be provided by any law adopted by the people under the initiative or by a two-thirds vote of each House of the Legislature and approved by the Governor and subject to the referendum; provided, that the laws now governing the deposit of such moneys shall continue in force until such laws shall be amended, changed or repealed as in this section authorized; and provided, further, that the State or any county, city and county, city, town, municipality or other public or municipal corporation, issuing bonds under the laws of this State, may deposit moneys in any bank or banks outside this State for the payment of the principal or interest of such bonds at the place or places at which the same are payable.

SEC. 40. No county, city, town, township, board of education, or school district, shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year, without the assent of two-thirds of the qualified electors thereof, voting at an election to be held for that purpose, except that with respect to any such public entity which is authorized to incur indebtedness for public school purposes, any proposition for the incurrence of indebtedness in the form of general obligation bonds for the purpose of repairing, reconstructing or replacing public school buildings determined, in the manner prescribed by law, to be structurally unsafe for school use, shall be adopted upon the approval of a majority of the qualified electors of the public entity voting on the proposition at such election; nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof, on or before maturity, which shall not exceed forty years from the time of contracting the same; provided, however, anything to the contrary herein notwithstanding, when two or more propositions for incurring any indebtedness or liability are submitted at the same election, the votes cast for and against each proposition shall be counted separately, and when two-thirds or a majority of the qualified electors, as the case may be, voting on any one of such propositions, vote in favor thereof, such proposition shall be deemed adopted.

SEC. 41. Whenever under the laws of this State or under its charter any city, county, city and county, parking authority, district, or other public body is authorized to acquire or construct public parking lots, garages, or other automotive parking facilities; and for the payment of the cost of any thereof, to issue any bonds or other securities payable in whole or in part from revenues of any parking facilities, such public body, and any other public body within the territorial area of which such public parking facilities are or will be situated, is also authorized to pledge, place a charge upon, or otherwise make available, as additional security for the payment of such securities, any or all revenues from any or all street parking meters then owned or controlled or to be acquired or controlled by it.

SEC. 42. The state shall not in any manner loan its credit, nor shall it subscribe to, or be interested in the stock of any company, association, or corporation, except that the state and each political subdivision, district, municipality, and public agency thereof is hereby authorized to acquire and hold shares of the capital stock of any mutual water company or corporation when such stock is so acquired or held for the purpose of furnishing a supply of water for public, municipal or governmental purposes; and such holding of such stock shall entitle such holder thereof to all of the rights, powers and privileges, and shall subject such holder to the obligations and liabilities conferred or imposed by law upon other holders of stock in the mutual water company or corporation in which such stock is so held.

Notwithstanding provisions to the contrary in this section and Section 25 of this article, the Legislature may authorize the investment of moneys of any public pension or retirement fund, not to exceed 25 percent of the assets of such fund determined on the basis of cost in the common stock or shares and not to exceed 5 percent of assets in preferred stock or shares of any corporation provided:

a. Such stock is registered on a national securities exchange, as provided in the "Securities Exchange Act of 1934" as amended; but such registration shall not be required with respect to the following stocks:

1) The common stock of a bank which is a member of the Federal Deposit Insurance Corporation and has capital funds, represented by capital, surplus, and undivided profits, of at least fifty million dollars (\$50,000,000);

2) The common stock of an insurance company which has capital funds, represented by capital, special surplus funds, and unassigned surplus, of at least fifty million dollars (\$50,000,000);

3) Any preferred stock

b. Such corporation has total assets of at least one hundred million dollars (\$100,000,000);

c. Bonds of such corporation, if any are outstanding, qualify for investment under the law governing the investment of the retirement fund; and there are no arrears of dividend payments on its preferred stock;

d. Such corporation has paid a cash dividend on its common stock in at least 8 of the 10 years next preceding the date of investment; and the aggregate net earnings available for dividends on the common stock of such corporation for the whole of such period have been equal to the amount of such dividends paid; and such corporation has paid an earned cash dividend in each of the last 3 years;

e. Such investment in any one company may not exceed 5 percent of the common stock shares outstanding; and

f. No single common stock investment may exceed 2 percent of the assets of the fund, based on cost.

Notwithstanding provisions to the contrary in this section and Section 25 of this article, the Legislature may authorize the investment of moneys of any public pension or retirement fund, in stock or shares of a diversified management investment company registered under the "Investment Company Act of 1940" which has total assets of at least fifty million dollars (\$50,000,000); provided, however, that the total investment in such stocks and shares, together with stocks and shares of all other corporations may not exceed 25 percent of the assets of such fund determined on the basis of the cost of the stocks or shares.

SEC. 44. The Legislature, in connection with any change, alteration or redefinition of state boundaries may provide for and deal with all matters involving the taxation or the exemption from taxation of any real or personal property involved in, or affected by, such change, alteration or redefinition of state boundaries.

Eleventh—That Article XIII be added, to read:

ARTICLE XIII

TAXATION

SEC. 1. Unless otherwise provided by this Constitution or the laws of the United States:

(a) All property is taxable and shall be assessed at the same percentage of fair market value. When a value standard other than fair market value is prescribed by this Constitution or by statute

authorized by this Constitution, the same percentage shall be applied to determine the assessed value. The value to which the percentage is applied, whether it be the fair market value or not, shall be known for property tax purposes as the full value.

(b) All property so assessed shall be taxed in proportion to its full value.

2. The Legislature may provide for property taxation of all kinds of tangible personal property, shares of capital stock, evidences of indebtedness, and any legal or equitable interest therein not exempt under any other provision of this article. The Legislature, two-thirds of the membership of each house concurring, may classify such personal property for differential taxation or for exemption. The tax on any interest in notes, debentures, shares of capital stock, bonds, solvent credits, deeds of trust, or mortgages shall not exceed four-tenths of one percent of full value, and the tax per dollar of full value shall not be higher on personal property than on real property in the same taxing jurisdiction.

SEC. 3. The following are exempt from property taxation:

(a) Property owned by the State.

(b) Property owned by a local government, except as otherwise provided in Section 11(a).

(c) Bonds issued by the State or a local government in the State.

(d) Property used for libraries and museums that are free and open to the public and property used exclusively for public schools, community colleges, state colleges, and state universities.

(e) Buildings, land, equipment, and securities used exclusively for educational purposes by a nonprofit institution of higher education.

(f) Buildings, land on which they are situated, and equipment used exclusively for religious worship.

(g) Property used or held exclusively for the permanent deposit of human dead or for the care and maintenance of the property or the dead, except when used or held for profit. This property is also exempt from special assessment.

(h) Growing crops.

(i) Fruit and nut trees until 4 years after the season in which they were planted in orchard form and grape vines until 3 years after the season in which they were planted in vineyard form.

(j) Immature forest trees planted on lands not previously bearing merchantable timber or planted or of natural growth on lands from which the merchantable original growth timber stand to the extent of 70 percent of all trees over 16 inches in diameter has been removed. Forest trees or timber shall be considered mature at such time after 40 years from the time of planting or removal of the original timber when so declared by a majority vote of a board consisting of a representative from the State Board of Forestry, a representative from the State Board of Equalization, and the assessor of the county in which the trees are located.

The Legislature may supersede the foregoing provisions with an alternative system or systems of taxing or exempting forest trees or timber, including a taxation system not based on property valuation. Any alternative system or systems shall provide for exemption of unharvested immature trees, shall encourage the continued use of timberlands for the production of trees for timber products, and shall provide for restricting the use of timberland to the production of timber products and compatible uses with provisions for taxation of timberland based on the restrictions. Nothing in this paragraph shall be construed to exclude timberland from the provisions of Section 8 of this article.

(k) \$3,000 of the full value of a dwelling, as defined by the Legislature, when occupied by an owner as his principal residence, unless the dwelling is receiving another real property exemption. The Legislature may increase this exemption and may deny it if the owner received State or local aid to pay taxes either in whole or in part, and either directly or indirectly, on the dwelling.

No increase in this exemption above the amount of \$3,000 shall be effective for any fiscal year unless the Legislature increases the rate of State taxes in an amount sufficient to provide the subventions required by Section 25.

(l) Vessels of more than 50 tons burden in this State and engaged in the transportation of freight or passengers.

(m) Household furnishings and personal effects not held or used in connection with a trade, profession, or business.

(n) Any debt secured by land.

(o) Property in the amount of \$1,000 of a claimant who—

(1) is serving in or has served in and has been discharged under honorable conditions from service in the United States Army, Navy, Air Force, Marine Corps, Coast Guard, or Revenue Marine (Revenue Cutter) Service; and—

(2) served either

(i) in time of war, or

(ii) in time of peace in a campaign or expedition for which a medal has been issued by Congress, or

(iii) in time of peace and because of a service-connected disability as released from active duty; and—

(3) resides in the State on the current lien date; and—

(4) resided in the State either

(i) on November 3, 1964, or

(ii) at the time of entry into one of the branches of the armed forces named in paragraph (1) of this subsection.

An unmarried person who owns property valued at \$5,000 or more, or a married person, who, together with the spouse, owns property valued at \$10,000 or more, is ineligible for this exemption.

If the claimant is married and does not own property eligible for the full amount of the exemption, property of the spouse shall be eligible for the unused balance of the exemption.

(p) Property in the amount of \$1,000 of a claimant who—

(1) is the unmarried spouse of a deceased veteran who met the service requirement stated in paragraphs (1) and (2) of subsection 3(o), and

(2) does not own property in excess of \$10,000, and

(3) is a resident of the State on the current lien date, and either

(i) resided in the State on November 3, 1964, or

(ii) is the unmarried spouse of a deceased veteran who met the residency requirement stated in paragraph 4 of subsection 3(o).

(q) Property in the amount of \$1,000 of a claimant who—

(1) is the parent of a deceased veteran who met the service requirement stated in paragraphs (1) and (2) of subsection 3(o), and

(2) receives a pension because of the veteran's service, and

(3) is a resident of the State on the current lien date, and either

(i) resided in the State on November 3, 1964, or

(ii) is the parent of a deceased veteran who met the residency requirement stated in paragraph (4) of subsection 3(o).

Either parent of a deceased veteran may claim this exemption.

An unmarried person who owns property valued at \$5,000 or more, or a married person, who, together with the spouse, owns property valued at \$10,000 or more, is ineligible for this exemption.

(r) No individual residing in the State on the effective date of this amendment who would have been eligible for the exemption provided by the previous section. 1/4 of this article had it not been repealed shall lose eligibility for the exemption as a result of this amendment.

SEC. 4. The Legislature may exempt from property taxation in whole or in part:

(a) The home of a person or a person's spouse, including an unmarried surviving spouse, if the person, because of injury incurred in military service, is blind in both eyes, has lost the use of 2 or more limbs, or is totally disabled unless the home is receiving another real property exemption.

(b) Property used exclusively for religious, hospital, or charitable purposes and owned or held in trust by corporations or other entities (1) that are organized and operating for those purposes, (2) that are nonprofit, and (3) no part of whose net earnings inures to the benefit of any private shareholder or individual.

(c) Property owned by the California School of Mechanical Arts, California Academy of Sciences, or Cogswell Polytechnical College, or held in trust for the Huntington Library and Art Gallery, or their successors.

(d) Real property not used for commercial purposes that is reasonably and necessarily required for parking vehicles of persons worshipping on land exempt by Section 3(f).

SEC. 5. Exemptions granted or authorized by Sections 3(e), 3(f), and 4(b) apply to buildings under construction, land required for their convenient use, and equipment in them if the intended use would qualify the property for exemption.

SEC. 6. The failure in any year to claim, in a manner required by the laws in effect at the time the claim is required to be made, an exemption or classification which reduces a property tax shall be deemed a waiver of the exemption or classification for that year.

SEC. 7. The Legislature, two-thirds of the membership of each house concurring, may authorize county boards of supervisors to exempt real property having a full value so low that, if not exempt, the total taxes and applicable subventions on the property would amount to less than the cost of assessing and collecting them.

SEC. 8. To promote the conservation, preservation and continued existence of open space lands, the Legislature may define open space land and shall provide that when this land is enforceably restricted, in a manner specified by the Legislature, to recreation, enjoyment of scenic beauty, use or conservation of natural resources, or production of food or fiber, it shall be valued for property tax purposes only on a basis that is consistent with its restrictions and uses.

SEC. 9. The Legislature may provide for the assessment for taxation only on the basis of use of a single-family dwelling, as defined by the Legislature, and so much of the land as is required for its convenient use and occupation, when the dwelling is occupied by an owner and located on land zoned exclusively for single-family dwellings or for agricultural purposes.

SEC. 10. Real property in a parcel of 10 or more acres which, on the lien date and for 2 or more years immediately preceding, has been used exclusively for nonprofit golf course purposes shall be assessed for taxation on the basis of such use, plus any value attributable to

mines, quarries, hydrocarbon substances, or other minerals in the property or the right to extract hydrocarbons or other minerals from the property.

SEC. 11. (a) Lands owned by a local government that are outside its boundaries, including rights to use or divert water from surface or underground sources and any other interests in lands, are taxable if (1) they are located in Inyo or Mono County and (a) they were assessed for taxation to the local government in Inyo County as of the 1966 lien date, or in Mono County as of the 1967 lien date, whether or not the assessment was valid when made, or (b) they were acquired by the local government subsequent to that lien date and were assessed to a prior owner as of that lien date and each lien date thereafter, or (2) they are located outside Inyo or Mono County and were taxable when acquired by the local government. Improvements owned by a local government that are outside its boundaries are taxable if they were taxable when acquired or were constructed by the local government to replace improvements which were taxable when acquired.

(b) Taxable land belonging to a local government and located in Inyo County shall be assessed in any year subsequent to 1968 at the place where it was assessed as of the 1966 lien date and in an amount derived by multiplying its 1966 assessed value by the ratio of the statewide per capita assessed value of land as of the last lien date prior to the current lien date to \$766, using civilian population only. Taxable land belonging to a local government and located in Mono County shall be assessed in any year subsequent to 1968 at the place where it was assessed as of the 1967 lien date and in an amount determined by the preceding formula except that the 1967 lien date, the 1967 assessed value, and the figure \$856 shall be used in the formula. Taxable land belonging to a local government and located outside of Inyo and Mono counties shall be assessed at the place where located and in an amount that does not exceed the lower of (1) its fair market value times the prevailing percentage of fair market value at which other lands are assessed and (2) a figure derived in the manner specified in this Section for land located in Mono County.

If land acquired by a local government after the lien date of the base year specified in this Section was assessed in the base year as part of a larger parcel, the assessed value of the part in the base year shall be that fraction of the assessed value of the larger parcel that the area of the part is of the area of the larger parcel.

If a local government divests itself of ownership of land without water rights and this land was assessed in Inyo County as of the 1966 lien date or in Mono County as of the 1967 lien date, the divestment shall not diminish the quantity of water rights assessable and taxable at the place where assessed as of that lien date.

(c) In the event the Legislature changes the prevailing percentage of fair market value at which land is assessed for taxation, there shall be used in the computations required by Section 11(b) of this Article, for the first year for which the new percentage is applicable, in lieu of the statewide per capita assessed value of land as of the last lien date prior to the current lien date, the statewide per capita assessed value of land on the prior lien date times the ratio of the new prevailing percentage of fair market value to the previous prevailing percentage.

(d) If, after March 1964, a taxable improvement is replaced while owned by and in possession of a local government, the replacement improvement shall be assessed, as long as it is owned by a local government, as other improvements are except that the assessed value shall not exceed the product of (1) the percentage at which privately owned improvements are assessed times (2) the highest full value ever used for taxation of the improvement that has been replaced. For purposes of this calculation, the full value for any year prior to 1967 shall be conclusively presumed to be 4 times the assessed value in that year.

(e) No tax, charge, assessment, or levy of any character, other than those taxes authorized by Sections 11(a) to 11(d), inclusive, of this Article, shall be imposed upon one local government by another local government that is based or calculated upon the consumption or use of water outside the boundaries of the government imposing it.

(f) Any taxable interest of any character, other than a lease for agricultural purposes and an interest of a local government, in any land owned by a local government that is subject to taxation pursuant to Section 11(a) of this Article shall be taxed in the same manner as other taxable interests. The aggregate value of all the interests subject to taxation pursuant to Section 11(a), however, shall not exceed the value of all interests in the land less the taxable value of the interest of any local government ascertained as provided in Sections 11(a) to 11(e), inclusive, of this Article.

(g) Any assessment made pursuant to Sections 11(a) to 11(d), inclusive, of this Article shall be subject to review, equalization, and adjustment by the State Board of Equalization, but an adjustment shall conform to the provisions of these Sections.

SEC. 12. Taxes on personal property, possessory interests in land, and taxable improvements located on land exempt from taxation which are not a lien upon land sufficient in value to secure their payment shall be levied at the rates for the preceding tax year upon

property of the same kind where the taxes were a lien upon land sufficient in value to secure their payment.

SEC. 13. Land and improvements shall be separately assessed.

SEC. 14. All property taxed by local government shall be assessed in the county, city, and district in which it is situated.

SEC. 15. The Legislature may authorize local government to provide for the assessment or reassessment of taxable property physically damaged or destroyed after the lien date to which the assessment or reassessment relates.

SEC. 16. The county board of supervisors, or one or more assessment appeals boards created by the county board of supervisors, shall constitute the county board of equalization for a county. Two or more county boards of supervisors may jointly create one or more assessment appeals boards which shall constitute the county board of equalization for each of the participating counties.

Except as provided in subdivision (g) of Section 11, the county board of equalization, under such rules of notice as the county board may prescribe, shall equalize the values of all property on the local assessment roll by adjusting individual assessments.

County boards of supervisors shall fix the compensation for members of assessment appeals boards, furnish clerical and other assistance for those boards, adopt rules of notice and procedures for those boards as may be required to facilitate their work and to insure uniformity in the processing and decision of equalization petitions, and may provide for their discontinuance.

The Legislature shall provide for: (a) the number and qualifications of members of assessment appeals boards, the manner of selecting, appointing, and removing them, and the terms for which they serve, and (b) the procedure by which two or more county boards of supervisors may jointly create one or more assessment appeals boards.

SEC. 17. The Board of Equalization consists of 5 voting members: the Controller and 4 members elected for 4-year terms at gubernatorial elections. The Legislature shall redistrict the State after each decennial census into 4 districts as nearly equal in population as practical and provide for the election of a member from each district.

SEC. 18. The Board shall measure county assessment levels annually and shall bring those levels into conformity by adjusting entire secured local assessment rolls. In the event a property tax is levied by the state, however, the effects of unequaled local assessment levels, to the extent any remain after such adjustments, shall be corrected for purposes of distributing this tax by equalizing the assessment levels of locally and state-assessed properties and varying the rate of the state tax inversely with the counties' respective assessment levels.

SEC. 19. The Board shall annually assess (1) pipelines, flumes, canals, ditches, and aqueducts lying within 2 or more counties and (2) property, except franchises, owned or used by regulated railway, telegraph, or telephone companies, car companies operating on railways in the State, and companies transmitting or selling gas or electricity. This property shall be subject to taxation to the same extent and in the same manner as other property.

No other tax or license charge may be imposed on these companies which differs from that imposed on mercantile, manufacturing, and other business corporations. This restriction does not release a utility company from payments agreed on or required by law for a special privilege or franchise granted by a government body.

The Legislature may authorize Board assessment of property owned or used by other public utilities.

The Board may delegate to a local assessor the duty to assess a property used but not owned by a state assessee on which the taxes are to be paid by a local assessee.

SEC. 20. The Legislature may provide maximum property tax rates and bonding limits for local governments.

SEC. 21. Within such limits as may be provided under Section 20 of this Article, the Legislature shall provide for an annual levy by county governing bodies of school district taxes sufficient to produce annual revenues for each district that the district's board determines are required for its schools and district functions.

SEC. 22. Not more than 25 percent of the total appropriations from all funds of the State shall be raised by means of taxes on real and personal property according to the value thereof.

SEC. 23. If State boundaries change, the Legislature shall determine how property affected shall be taxed.

SEC. 24. The Legislature may not impose taxes for local purposes but may authorize local governments to impose them.

Money appropriated from state funds to a local government for its local purposes may be used as provided by law.

Money subvented to a local government under Section 25 may be used for State or local purposes.

SEC. 25. The Legislature shall provide, in the same fiscal year, reimbursements to each local government for revenue lost because of Section 3(k).

SEC. 26. (a) Taxes on or measured by income may be imposed on persons, corporations, or other entities as prescribed by law.

(b) Interest on bonds issued by the State or a local government in

the State is exempt from taxes on income.

(c) Income of a nonprofit educational institution of collegiate grade within the State of California is exempt from taxes on or measured by income if: (1) it is not unrelated business income as defined by the Legislature, and (2) it is used exclusively for educational purposes.

SEC. 27. The Legislature, two-thirds of the membership of each house concurring, may tax corporations, including State and national banks, and their franchises by any method not prohibited by this Constitution or the Constitution or laws of the United States. Unless otherwise provided by the Legislature, the tax on State and national banks shall be according to or measured by their net income and shall be in lieu of all other taxes and license fees upon banks or their shares, except taxes upon real property and vehicle registration and license fees.

SEC. 28. (a) "Insurer," as used in this section, includes insurance companies or associations and reciprocal or interinsurance exchanges together with their corporate or other attorneys in fact considered as a single unit, and the State Compensation Insurance Fund. As used in this paragraph, "companies" includes persons, partnerships, joint stock associations, companies and corporations.

(b) An annual tax is hereby imposed on each insurer doing business in this state on the basis, at the rates, and subject to the deductions from the tax hereinafter specified.

(c) In the case of an insurer not transacting title insurance in this state, the "basis of the annual tax" is, in respect to each year, the amount of gross premiums, less return premiums, received in such year by such insurer upon its business done in this state, other than premiums received for reinsurance and for ocean marine insurance.

In the case of an insurer transacting title insurance in this state, the "basis of the annual tax" is, in respect to each year, all income upon business done in this state, except:

- (1) Interest and dividends.
- (2) Rents from real property.
- (3) Profits from the sale or other disposition of investments.
- (4) Income from investments.

"Investments" as used in this subdivision includes property acquired by such insurer in the settlement or adjustment of claims against it but excludes investments in title plants and title records. Income derived directly or indirectly from the use of title plants and title records is included in the basis of the annual tax.

In the case of an insurer transacting title insurance in this state which has a trust department and does a trust business under the banking laws of this state, there shall be excluded from the basis of the annual tax imposed by this section, the income of, and from the assets of, such trust department and such trust business, if such income is taxed by this state or included in the measure of any tax imposed by this state.

(d) The rate of the tax to be applied to the basis of the annual tax in respect to each year is 2.35 percent.

(e) (1) Each insurer shall have the right to deduct from the annual tax imposed by this section upon such insurer in respect to a particular year the amount of real estate taxes paid by it, in that year, before, or within 30 days after, becoming delinquent, on real property owned by it at the time of payment, and in which was located, in that year, its home office or principal office in this state. Such real property may consist of one building or of two or more adjacent buildings in which such an office is located, the land on which they stand, and so much of the adjacent land as may be required for the convenient use and occupation thereof.

(2) In the event a portion of the real property described in paragraph (1) of this subdivision is occupied by a person or persons other than the insurer the deduction granted the insurer by said paragraph shall be limited to that percentage, not to exceed 100 percent, equal to the sum of (i) the percentage of occupancy of the insurer obtained by deducting from 100 percent the ratio that the square footage of said building or buildings occupied by the person or persons other than the insurer bears to the total square footage of said building or buildings plus (ii) the lesser of one-half of said percent of occupancy of the insurer or 25 percent, provided, however, that the limitation set forth in this paragraph shall not be applicable to such real property occupied by a domestic insurer as its home office or principal office in this state on January 1, 1970, or to such real property upon which construction of the home office or principal office of the domestic insurer commenced prior to January 1, 1970. As used in this paragraph, "domestic insurer" means an insurer organized under the laws of this state and licensed to transact insurance in this state on or before December 31, 1966.

(3) The phrase "person or persons other than the insurer" as used in paragraph (2) of this subdivision shall not include (i) another insurance company or association affiliated directly or indirectly with the insurer through direct ownership or common ownership or control; or (ii) the corporate or other manager of the insurer to the extent of its insurance management activities. The Legislature may define the terms used in this paragraph for the sole purpose of

facilitating the operation of this paragraph.

(f) The tax imposed on insurers by this section is in lieu of all other taxes and licenses, state, county, and municipal, upon such insurers and their property, except:

(1) Taxes upon their real estate.

(2) That an insurer transacting title insurance in this state which has a trust department or does a trust business under the banking laws of this state is subject to taxation with respect to such trust department or trust business to the same extent and in the same manner as trust companies and the trust departments of banks doing business in this state.

(3) When by or pursuant to the laws of any other state or foreign country any taxes, licenses and other fees, in the aggregate, and any fines, penalties, deposit requirements or other material obligations, prohibitions or restrictions are or would be imposed upon California insurers, or upon the agents or representatives of such insurers, which are in excess of such taxes, licenses and other fees, in the aggregate, or which are in excess of the fines, penalties, deposit requirements or other obligations, prohibitions, or restrictions directly imposed upon similar insurers, or upon the agents or representatives of such insurers, of such other state or country under the statutes of this state; so long as such laws of such other state or country continue in force or are so applied, the same taxes, licenses and other fees, in the aggregate, or fines, penalties or deposit requirements or other material obligations, prohibitions, or restrictions, of whatever kind shall be imposed upon the insurers, or upon the agents or representatives of such insurers, of such other state or country doing business or seeking to do business in California. Any tax, license or other fee or other obligation imposed by any city, county, or other political subdivision or agency of such other state or country on California insurers or their agents or representatives shall be deemed to be imposed by such state or country within the meaning of this paragraph (3) of subdivision (f).

The provisions of this paragraph (3) of subdivision (f) shall not apply as to personal income taxes, nor as to ad valorem taxes on real or personal property nor as to special purpose obligations or assessments heretofore imposed by another state or foreign country in connection with particular kinds of insurance, other than property insurance; except that deductions, from premium taxes or other taxes otherwise payable, allowed on account of real estate or personal property taxes paid shall be taken into consideration in determining the propriety and extent of retaliatory action under this paragraph (3) of subdivision (f).

For the purposes of this paragraph (3) of subdivision (f) the domicile of an alien insurer, other than insurers formed under the laws of Canada, shall be that state in which is located its principal place of business in the United States.

In the case of an insurer formed under the laws of Canada or a province thereof, its domicile shall be deemed to be that province in which its head office is situated.

The provisions of this paragraph (3) of subdivision (f) shall also be applicable to reciprocals or interinsurance exchanges and fraternal benefit societies.

(4) The tax on ocean marine insurance.

(5) Motor vehicle and other vehicle registration license fees and any other tax or license fee imposed by the state upon vehicles, motor vehicles or the operation thereof.

(6) That each corporate or other attorney in fact of a reciprocal or interinsurance exchange shall be subject to all taxes imposed upon corporations or others doing business in the state, other than taxes on income derived from its principal business as attorney in fact.

A corporate or other attorney in fact of each exchange shall annually compute the amount of tax that would be payable by it under prevailing law except for the provisions of this section, and any management fee due from each exchange to its corporate or other attorney in fact shall be reduced pro tanto by a sum equivalent to the amount so computed.

(g) Every insurer transacting the business of ocean marine insurance in this state shall annually pay to the state a tax measured by that proportion of the underwriting profit of such insurer from such insurance written in the United States, which the gross premiums of the insurer from such insurance written in this state bear to the gross premiums of the insurer from such insurance written within the United States, at the rate of 5 per centum, which tax shall be in lieu of all other taxes and licenses, state, county and municipal, upon such insurer, except taxes upon real estate, and such other taxes as may be assessed or levied against such insurer on account of any other class of insurance written by it. Deductions from the annual tax pursuant to subdivision (e) cannot be made from the ocean marine tax. The Legislature shall define the terms "ocean marine insurance" and "underwriting profit," and shall provide for the assessment, levy, collection and enforcement of the ocean marine tax.

(h) The taxes provided for by this section shall be assessed by the State Board of Equalization.

(i) The Legislature, two-thirds of all the members elected to each

of the two houses voting in favor thereof, may by law change the rate or rates of taxes herein imposed upon insurers.

(j) This section is not intended to and does not change the law as it has previously existed with respect to the meaning of the words "gross premiums, less return premiums, received" as used in this article.

SEC. 29. The Legislature may authorize counties, cities and counties, and cities to enter into contracts to apportion between them the revenue derived from any sales or use tax imposed by them which is collected for them by the State. Before any such contract becomes operative, it shall be authorized by a majority of those voting on the question in each jurisdiction at a general or direct primary election.

SEC. 30. Every tax shall be conclusively presumed to have been paid after 30 years from the time it became a lien unless the property subject to the lien has been sold in the manner provided by the Legislature for the payment of the tax.

SEC. 31. The power to tax may not be surrendered or suspended by grant or contract.

SEC. 32. No legal or equitable process shall issue in any proceeding in any court against this State or any officer thereof to prevent or enjoin the collection of any tax. After payment of a tax claimed to be illegal, an action may be maintained to recover the tax paid, with interest, in such manner as may be provided by the Legislature.

SEC. 33. The Legislature shall pass all laws necessary to carry out the provisions of this article.

Twelfth—That the title of Article XVI be amended to read:

ARTICLE XVI

STATE INDEBTEDNESS PUBLIC FINANCE

Thirteenth—That Section 3 be added to Article XVI, to read:

SEC. 3. No money shall ever be appropriated or drawn from the State Treasury for the purpose or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the State as a state institution, nor shall any grant or donation of property ever be made thereto by the State, except that notwithstanding anything contained in this or any other section of the Constitution:

(1) Whenever federal funds are made available for the construction of hospital facilities by public agencies and nonprofit corporations organized to construct and maintain such facilities, nothing in this Constitution shall prevent the Legislature from making state money available for that purpose, or from authorizing the use of such money for the construction of hospital facilities by nonprofit corporations organized to construct and maintain such facilities.

(2) The Legislature shall have the power to grant aid to the institutions conducted for the support and maintenance of minor orphans, or half-orphans, or abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he cannot pursue a gainful occupation, or aged persons in indigent circumstances—such aid to be granted by a uniform rule, and proportioned to the number of inmates of such respective institutions.

(3) The Legislature shall have the power to grant aid to needy blind persons not inmates of any institution supported in whole or in part by the State or by any of its political subdivisions, and no person concerned with the administration of aid to needy blind persons shall dictate how any applicant or recipient shall expend such aid granted him, and all money paid to a recipient of such aid shall be intended to help him meet his individual needs and is not for the benefit of any other person, and such aid when granted shall not be construed as income to any person other than the blind recipient of such aid, and the State Department of Social Welfare shall take all necessary action to enforce the provisions relating to aid to needy blind persons as heretofore stated.

(4) The Legislature shall have power to grant aid to needy physically handicapped persons not inmates of any institution under the supervision of the Department of Mental Hygiene and supported in whole or in part by the State or by any institution supported in whole or part by any political subdivision of the State.

(5) The State shall have at any time the right to inquire into the management of such institutions.

(6) Whenever any county, or city and county, or city, or town, shall provide for the support of minor orphans, or half-orphans, or abandoned children, or children of a father who is incapacitated for gainful work by permanent physical disability or is suffering from tuberculosis in such a stage that he cannot pursue a gainful occupation, or aged persons in indigent circumstances, or needy blind persons not inmates of any institution supported in whole or in part by the State or by any of its political subdivisions, or needy physically handicapped persons not inmates of any institution under the supervision of the Department of Mental Hygiene and supported in whole or in part by the State or by any institution supported in whole

or part by any political subdivision of the State; such county, city and county, city, or town shall be entitled to receive the same pro rata appropriations as may be granted to such institutions under church, or other control.

An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at a regular session of the Legislature.

Fourteenth—That Section 4 be added to Article XVI, to read:

SEC. 4. The Legislature shall have the power to insure or guarantee loans made by private or public lenders to nonprofit corporations and public agencies, the proceeds of which are to be used for the construction, expansion, enlargement, improvement, renovation or repair of any public or nonprofit hospital, hospital facility, or extended care facility, facility for the treatment of mental illness, or all of them, including any outpatient facility and any other facility useful and convenient in the operation of the hospital and any original equipment for any such hospital or facility, or both.

No provision of this Constitution, including but not limited to, Section 1 of Article XVI and Section 14 of Article XI, shall be construed as a limitation upon the authority granted to the Legislature by this section.

Fifteenth—That Section 5 be added to Article XVI, to read:

SEC. 5. Neither the Legislature, nor any county, city and county, township, school district, or other municipal corporation, shall ever make an appropriation, or pay from any public fund whatever, or grant anything to or in aid of any religious sect, church, creed, or sectarian purpose, or help to support or sustain any school, college, university, hospital, or other institution controlled by any religious creed, church, or sectarian denomination whatever; nor shall any grant or donation of personal property or real estate ever be made by the state, or any city, county and county, town, or other municipal corporation for any religious creed, church, or sectarian purpose whatever; provided, that nothing in this section shall prevent the Legislature granting aid pursuant to Section 3 of Article XVI.

Sixteenth—That Section 6 be added to Article XVI, to read:

SEC. 6. The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State, or of any county, city and county, city, township or other political corporation or subdivision of the State now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof, in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; nor shall it have power to make any gift or authorize the making of a gift, of any public money or thing of value to any individual, municipal or other corporation whatever; provided, that nothing in this section shall prevent the Legislature granting aid pursuant to Section 3 of Article XVI; and it shall not have power to authorize the State, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever; provided, further, that irrigation districts for the purpose of acquiring the control of any entire international water system necessary for its use and purposes, a part of which is situated in the United States, and a part thereof in a foreign country, may in the manner authorized by law, acquire the stock of any foreign corporation which is the owner of, or which holds the title to the part of such system situated in a foreign country; provided, further, that irrigation districts for the purpose of acquiring water and water rights and other property necessary for their uses and purposes, may acquire and hold the stock of corporations, domestic or foreign, owning waters, water rights, canals, waterworks, franchises or concessions subject to the same obligations and liabilities as are imposed by law upon all other stockholders in such corporation; and

Provided, further, that nothing contained in this Constitution shall prohibit the use of State money or credit, in aiding veterans who served in the military or naval service of the United States during the time of war, in the acquisition of, or payments for, (1) farms or homes, or in projects of land settlement or in the development of such farms or homes or land settlement projects for the benefit of such veterans, or (2) any business, land or any interest therein, buildings, supplies, equipment, machinery, or tools, to be used by the veteran in pursuing a gainful occupation.

And provided, still further, that notwithstanding the restrictions contained in this Constitution, the treasurer of any city, county, or city and county shall have power and the duty to make such temporary transfers from the funds in custody as may be necessary to provide funds for meeting the obligations incurred for maintenance purposes by any city, county, city and county, district, or other political subdivision whose funds are in custody and are paid out solely through the treasurer's office. Such temporary transfer of funds to any political subdivision shall be made only upon resolution adopted by the governing body of the city, county, or city and county directing the treasurer of such city, county, or city and county to make such temporary transfer. Such temporary transfer of funds to any political subdivision shall not exceed 85 percent of the taxes

accruing to such political subdivision, shall not be made prior to the first day of the fiscal year nor after the last Monday in April of the current fiscal year, and shall be replaced from the taxes accruing to such political subdivision before any other obligation of such political subdivision is met from such taxes.

Seventeenth—That Section 7 be added to Article XVI, to read:

SEC. 7. Money may be drawn from the Treasury only through an appropriation made by law and upon a Controller's duly drawn warrant.

Eighteenth—That Section 8 be added to Article XVI, to read:

SEC. 8. From all state revenues there shall first be set apart the monies to be applied by the state for support of the public school system and public institutions of higher education.

Nineteenth—That Section 9 be added to Article XVI, to read:

SEC. 9. Money collected under any state law relating to the protection or propagation of fish and game shall be used for activities relating thereto.

Twentieth—That Section 15 be added to Article XVI, to read:

SEC. 15. A public body authorized to issue securities to provide public parking facilities and any other public body whose territorial area includes such facilities are authorized to make revenues from street parking meters available as additional security.

Twenty-first—That Section 16 be added to Article XVI, to read:

SEC. 16. All property in a redevelopment project established under the Community Redevelopment Law Act as now existing or hereafter amended, except publicly owned property not subject to taxation by reason of such ownership, shall be taxed in proportion to its value as provided in Section 1 of this article, and such taxes (the word "taxes" as used herein shall include, but shall not be limited to, all levies on an ad valorem basis upon land or real property) shall be levied and collected as other taxes are levied and collected by the respective taxing agencies.

The Legislature may provide that any redevelopment plan may contain a provision that the taxes, if any, so levied upon such taxable property in a redevelopment project each year by or for the benefit of the State of California, any city, county, city and county, district, or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving the redevelopment plan, shall be divided as follows:

(a) That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of said taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment project as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such ordinance, shall be allocated to, and when collected shall be paid into, the funds of the respective taxing agencies as taxes by or for said taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory in a redevelopment project on the effective date of such ordinance but to which such territory has been annexed or otherwise included after such effective date, the assessment roll of the county last equalized on the effective date of said ordinance shall be used in determining the assessed valuation of the taxable property in the project on said effective date); and

(b) That portion of said levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the redevelopment agency to pay the principal of and interest on loans, moneys advanced to, or indebtedness (whether funded, refunded, assumed or otherwise) incurred by such redevelopment agency to finance or refinance, in whole or in part, such redevelopment project. Unless and until the total assessed valuation of the taxable property in a redevelopment project exceeds the total assessed value of the taxable property in such project as shown by the last equalized assessment roll referred to in paragraph designated (a) hereof, all of the taxes levied and collected upon the taxable property in such redevelopment project shall be paid into the funds of the respective taxing agencies. When said loans, advances, and indebtedness, if any, and interest thereon, have been paid, then all moneys thereafter received from taxes upon the taxable property in such redevelopment project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid.

The Legislature may also provide that in any redevelopment plan or in the proceedings for the advance of moneys, or making of loans, or the incurring of any indebtedness (whether funded, refunded, assumed or otherwise) by the redevelopment agency to finance or refinance, in whole or in part, the redevelopment project, the portion of taxes mentioned in paragraph designated (b) hereof may be irrevocably pledged for the payment of the principal of and interest on said loans, advances, or indebtedness.

It is intended by this section to empower any redevelopment agency, city, county, or city and county under any law authorized by this section to exercise the provisions hereof separately or in combination with powers granted by the same or any other law relative to redevelopment agencies. This section shall not affect any other law or laws relating to the same or a similar subject but is

intended to authorize an alternative method of procedure governing the subject to which it refers.

The Legislature shall enact such laws as may be necessary to enforce the provisions of this section.

Twenty-second—That Section 17 be added to Article XVI, to read:

SEC. 17. The State shall not in any manner loan its credit, nor shall it subscribe to, or be interested in the stock of any company, association, or corporation, except that the state and each political subdivision, district, municipality, and public agency thereof is hereby authorized to acquire and hold shares of the capital stock of any mutual water company or corporation when such stock is so acquired or held for the purpose of furnishing a supply of water for public, municipal or governmental purposes; and such holding of such stock shall entitle such holder thereof to all of the rights, powers and privileges, and shall subject such holder to the obligations and liabilities conferred or imposed by law upon other holders of stock in the mutual water company or corporation in which such stock is so held.

Notwithstanding provisions to the contrary in this section and Section 6 of Article XVI, the Legislature may authorize the investment of moneys of any public pension or retirement fund, not to exceed 25 percent of the assets of such fund determined on the basis of cost in the common stock or shares and not to exceed 5 percent of assets in preferred stock or shares of any corporation; provided:

a. Such stock is registered on a national securities exchange, as provided in the "Securities Exchange Act of 1934" as amended, but such registration shall not be required with respect to the following stocks:

1) The common stock of a bank which is a member of the Federal Deposit Insurance Corporation and has capital funds, represented by capital, surplus, and undivided profits, of at least fifty million dollars (\$50,000,000);

2) The common stock of an insurance company which has capital funds, represented by capital, special surplus funds, and unassigned surplus, of at least fifty million dollars (\$50,000,000);

3) Any preferred stock;

b. Such corporation has total assets of at least one hundred million dollars (\$100,000,000);

c. Bonds of such corporation, if any are outstanding, qualify for investment under the law governing the investment of the retirement fund, and there are no arrears of dividend payments on its preferred stock;

d. Such corporation has paid a cash dividend on its common stock in at least 8 of the 10 years next preceding the date of investment, and the aggregate net earnings available for dividends on the common stock of such corporation for the whole of such period have been equal to the amount of such dividends paid, and such corporation has paid an earned cash dividend in each of the last 3 years;

e. Such investment in any one company may not exceed 5 percent of the common stock shares outstanding; and

f. No single common stock investment may exceed 2 percent of the assets of the fund, based on cost.

Notwithstanding provisions to the contrary in this section and Section 6 of Article XVI, the Legislature may authorize the investment of moneys of any public pension or retirement fund, in stock or shares of a diversified management investment company registered under the "Investment Company Act of 1940" which has total assets of at least fifty million dollars (\$50,000,000); provided, however, that the total investment in such stocks and shares, together with stocks and shares of all other corporations may not exceed 25 percent of the assets of such fund determined on the basis of the cost of the stocks or shares.

Twenty-third—That Section 18 be added to Article XVI, to read:

SEC. 18. No county, city, town, township, board of education, or school district, shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year, without the assent of two-thirds of the qualified electors thereof, voting at an election to be held for that purpose, except that with respect to any such public entity which is authorized to incur indebtedness for public school purposes, any proposition for the incurrence of indebtedness in the form of general obligation bonds for the purpose of repairing, reconstructing or replacing public school buildings determined, in the manner prescribed by law, to be structurally unsafe for school use, shall be adopted upon the approval of a majority of the qualified electors of the public entity voting on the proposition at such election; nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof, on or before maturity, which shall not exceed forty years from the time of contracting the same; provided, however, anything to the contrary herein notwithstanding, when two or more propositions for incurring any indebtedness or liability are submitted at the same election, the votes cast for and against each proposition shall be counted

separately, and when two-thirds or a majority of the qualified electors, as the case may be, voting on any one of such propositions, vote in favor thereof, such proposition shall be deemed adopted.

Twenty-fourth—That Section 19 be added to Article XVI, to read:

SEC. 19. All proceedings undertaken by any chartered city, or by any chartered county or by any chartered city and county for the construction of any public improvement, or the acquisition of any property for public use, or both, where the cost thereof is to be paid in whole or in part by special assessment or other special assessment taxes upon property, whether the special assessment will be specific or a special assessment tax upon property wholly or partially according to the assessed value of such property, shall be undertaken only in accordance with the provisions of law governing: (a) limitations of costs of such proceedings or assessments for such proceedings, or both, in relation to the value of any property assessed therefor; (b) determination of a basis for the valuation of any such property; (c) payment of the cost in excess of such limitations; (d) avoidance of such limitations; (e) postponement or abandonment, or both, of such proceedings in whole or in part upon majority protest, and particularly in accordance with such provisions as contained in Sections 10, 11 and 13a of the Special Assessment Investigation, Limitation and Majority Protest Act of 1931 or any amendments, codification, reenactment or restatement thereof.

Notwithstanding any provisions for debt limitation or majority protest as in this section provided, if, after the giving of such reasonable notice by publication and posting and the holding of such public hearing as the legislative body of any such chartered county, chartered city or chartered city and county shall have prescribed, such legislative body by no less than a four-fifths vote of all members thereof, finds and determines that the public convenience and necessity require such improvements or acquisitions, such debt limitation and majority protest provisions shall not apply.

Nothing contained in this section shall require the legislative body of any such city, county, or city and county to prepare or to cause to be prepared, hear, notice for hearing or report the hearing of any report as to any such proposed construction or acquisition or both.

Twenty-fifth—That Section 6 be added to Article XX, to read:

SEC. 6. Except for tax exemptions provided in Article XIII, the

rights, powers, privileges, and confirmations conferred by Sections 10 and 15 of Article IX in effect on January 1, 1973, relating to Stanford University and the Huntington Library and Art Gallery, are continued in effect.

Twenty-sixth—That Article XXVIII be repealed.

ARTICLE XXVIII

OPEN SPACE CONSERVATION

SECTION 1. The people hereby declare that it is in the best interest of the state to maintain, preserve, conserve and otherwise continue in existence open space lands for the production of food and fiber and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the state and its citizens. The people further declare that assessment practices must be so designed as to permit the continued availability of open space lands for these purposes; and it is the intent of this article to so provide.

SEC. 2. Notwithstanding any other provision of this constitution, the Legislature may by law define open space lands and provide that when such lands are subject to enforceable restriction, as specified by the Legislature, to the use thereof solely for recreation; for the enjoyment of scenic beauty; for the use of natural resources; or for production of food or fiber, such lands shall be valued for assessment purposes on such basis as the Legislature shall determine to be consistent with such restriction and use. All assessors shall assess such open space lands on the basis only of such restriction and use; and in the assessment thereof shall consider no factors other than those specified by the Legislature under the authorization of this section.

[Fourth Resolved Clause]

And be it further resolved, That if any other amendment to this Constitution is approved by the voters in the primary election on June 4, 1974, or in the general election on November 5, 1974, by a majority of those persons voting on the amendment, the provisions of such amendment shall prevail in the event that there is a conflict between the provisions of such amendment and the provisions of this measure.

TEXT OF PROPOSITION 9—continued from page 33

attached section were made in his presence and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be; and no other affidavit thereto shall be required. The affidavit of any person soliciting signatures hereunder shall be verified free of charge by any officer authorized to administer an oath. Such petition so verified shall be prima facie evidence that the signatures thereto appended are genuine and that the persons signing the same are qualified electors. Unless and until it is otherwise proven upon official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of electors. Each section of the petition shall be filed with the clerk, or registrar of voters, of the county or city and county in which it was circulated; but all such sections circulated in any county or city and county shall be filed at the same time. Within twenty days after the date of filing such petition, the clerk, or registrar of voters, shall finally determine from the records of registration what number of qualified electors have signed the same; and, if necessary, the board of supervisors shall allow such clerk or registrar additional assistants for the purpose of examining such petition and provide for their compensation. The said clerk or registrar, upon the completion of such examination, shall forthwith attach to such petition his certificate, properly dated, showing the result of such examination; and submit said petition, except as to the signatures appended thereto, to the Secretary of State and file a copy of said certificate in his office. Within forty days from the transmission of the said petition and certificate by the clerk or registrar of voters to the Secretary of State, a supplemental petition, identical with the original as to the body of the petition but containing supplemental names, may be filed with the clerk or registrar of voters, as aforesaid. The clerk or registrar of voters shall within ten days after the filing of such supplemental petition make like examination thereof as of the original petition; and upon the conclusion of such examination shall forthwith attach to such petition his certificate, properly dated, showing the result of such examination; and shall forthwith transmit such supplemental petition, except as to the signatures thereon, together with his said certificate, to the Secretary of State.

When the Secretary of State shall have received from one or more county clerks, or registrars of voters, a petition certified as herein provided to have been signed by the requisite number of qualified electors, he shall forthwith transmit to the county clerk or registrar of voters of every county or city and county in the State a certificate

showing such fact; and such clerk or registrar of voters shall thereupon file said certificate for record in his office.

A petition shall be deemed to be filed with the Secretary of State upon the date of the receipt by him of a certificate or certificates showing the said petition to be signed by the requisite number of electors of the State.

No recall petition shall be circulated or filed against any officer until he has actually held his office for at least six months; save and except it may be filed against any member of the State Legislature at any time after five days from the convening and organizing of the Legislature after his election.

If at any recall election the incumbent whose removal is sought is not recalled, he shall be repaid from the State treasury any amount legally expended by him as expenses of such election; and the Legislature shall provide appropriation for such purpose; and no proceedings for another recall election of said incumbent shall be initiated within six months after such election.

If the Governor is sought to be removed under the provisions of this article, the duties herein imposed upon him shall be performed by the Lieutenant Governor; and if the Secretary of State is sought to be removed, the duties herein imposed upon him shall be performed by the State Controller; and the duties herein imposed upon the clerk or registrar of voters, shall be performed by such registrar of voters in all cases where the office of registrar of voters exists.

The recall shall also be exercised by the electors of each county, city and county, city and town of the State, with reference to the elective officers thereof; under such procedure as shall be provided by law.

Until otherwise provided by law, the legislative body of any such county, city and county, city or town may provide for the manner of exercising such recall powers in such counties, cities and counties, cities and towns; but shall not require any such recall petition to be signed by electors more in number than twenty-five percent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies. Nothing herein contained shall be construed as affecting or limiting the present or future powers of cities or counties or cities and counties having charters adopted under the authority given by the Constitution.

In the submission to the electors of any petition proposed under this article all officers shall be guided by the general laws of the State, except as otherwise herein provided.

This article is self-executing, but legislation may be enacted to

facilitate its operation; but in no way limiting or restricting the provisions of this article or the powers herein reserved.

Second—That Article XXIII is added to read:

ARTICLE XXIII

RECALL OF PUBLIC OFFICERS

SECTION 1. Recall is the power of the electors to remove an elective officer.

SEC. 2. (a) Recall of a State officer is initiated by delivering to the Secretary of State a petition alleging reason for recall. Sufficiency of reason is not reviewable. Proponents have 160 days to file signed petitions.

(b) A petition to recall a statewide officer must be signed by electors equal in number to 12 percent of the last vote for the office, with signatures from each of 5 counties equal in number to 1 percent of the last vote for the office in the county. Signatures to recall Senators, Assemblymen, members of the Board of Equalization, and judges of courts of appeal and trial courts must equal in number 20 percent of the last vote for the office.

(c) The Secretary of State shall maintain a continuous count of the signatures certified to him.

SEC. 3. An election to determine whether to recall an officer and, if appropriate, to elect a successor shall be called by the Governor and held not less than 60 days nor more than 80 days from the date of certification of sufficient signatures. If the majority vote on the question is to recall, the officer is removed and, if there is a candidate, the candidate who receives a plurality is the successor. The officer may not be a candidate, nor shall there be any candidacy for an office filled pursuant to subdivision (d) of Section 16 of Article VI.

SEC. 4. The Legislature shall provide for circulation, filing, and certification of petitions, nomination of candidates, and the recall election.

SEC. 5. If recall of the Governor or Secretary of State is initiated, his recall duties shall be performed by the Lieutenant Governor or Controller, respectively.

SEC. 6. A State officer who is not recalled shall be reimbursed by the State for his recall election expenses legally and personally incurred. Another recall may not be initiated against him until 6 months after the election.

SEC. 7. The Legislature shall provide for recall of local officers. This section does not affect counties and cities whose charters provide for recall.

TEXT OF PROPOSITION 11—continued from page 41

(b) Filling the office of Governor should be the Governor be killed, missing, or disabled, until he the Governor or his the successor designated in this Constitution is able to perform his the duties of the office of Governor or a successor is elected.

(c) Convening the Legislature.

(d) Holding elections to fill offices that are elective under this Constitution and that are either vacant or occupied by persons not elected thereto.

(e) Selecting a temporary seat of state or county government.

Eighth—That Section 27 of Article IV is amended to read:

SEC. 27. When a congressional district shall be composed of two or more counties, it shall not be separated by any county belonging to another district. No county, or city and county, shall be divided in forming a congressional district so as to attach one portion of a county, or city and county, to another county, or city and county, except in cases where one county, or city and county, has more population than the ratio required for one or more Congressmen representatives in Congress; but the Legislature may divide any county, or city and county, into as many congressional districts as it may be entitled to by law. Any county, or city and county, containing a population greater than the number required for one congressional district shall be formed into one or more congressional districts, according to the population thereof, and any residue, after forming such district or districts, shall be attached by compact adjoining assembly districts, to a contiguous county or counties, and form a congressional district. In dividing a county, or city and county, into congressional districts no assembly district shall be divided so as to form a part of more than one congressional district, and every such congressional district shall be composed of compact contiguous assembly districts.

Ninth—That Section 28 of Article IV is amended to read:

SEC. 28. A person holding a lucrative office under the United States or other power may not hold a civil office of profit. A local officer or postmaster whose compensation does not exceed 500 dollars per year or an officer in the militia or a member of a reserve component of the armed forces of the United States except where on active federal duty for more than 30 days in any year is not a holder of a lucrative office, nor is he the holding of a civil office of profit affected by this military service.

Tenth—That Section 1 of Article V is amended to read:

SEC. 1. The supreme executive power of this State is vested in the Governor. He The Governor shall see that the law is faithfully executed.

Eleventh—That Section 2 of Article V is amended to read:

SEC. 2. The Governor shall be elected every fourth year at the same time and places as Assemblymen members of the Assembly and hold office from the Monday after January 1 following his the election until his a successor qualifies. He The Governor shall be an elector who has been a citizen of the United States and a resident of this State for 5 years immediately preceding his the Governor's election. He The Governor may not hold other public office.

Twelfth—That Section 7 of Article V is amended to read:

SEC. 7. The Governor is commander in chief of a militia that shall be provided by statute. He The Governor may call it forth to execute the law.

Thirteenth—That Section 8 of Article V is amended to read:

SEC. 8. Subject to application procedures provided by statute, the Governor, on conditions he the Governor deems proper, may grant a reprieve, pardon, and commutation, after sentence, except in case

of impeachment. He The Governor shall report to the Legislature each reprieve, pardon, and commutation granted, stating the pertinent facts and his the reasons for granting it. He The Governor may not grant a pardon or commutation to a person twice convicted of a felony except on recommendation of the Supreme Court, 4 judges concurring.

Fourteenth—That Section 9 of Article V is amended to read:

SEC. 9. The Lieutenant Governor shall have the same qualifications as the Governor. He The Lieutenant Governor is President of the Senate but has only a casting vote.

Fifteenth—That Section 10 of Article V is amended to read:

SEC. 10. The Lieutenant Governor shall become Governor when a vacancy occurs in the office of Governor.

He The Lieutenant Governor shall act as Governor during the impeachment, absence from the State, or other temporary disability of the Governor or of a Governor-elect who fails to take office.

The Legislature shall provide an order of precedence after the Lieutenant Governor for succession to the office of Governor and for the temporary exercise of his the Governor's functions.

The Supreme Court has exclusive jurisdiction to determine all questions arising under this section.

Standing to raise questions of vacancy or temporary disability is vested exclusively in a body provided by statute.

Sixteenth—That Section 13 of Article V is amended to read:

SEC. 13. Subject to the powers and duties of the Governor, the Attorney General shall be the chief law officer of the State. It shall be his the duty of the Attorney General to see that the laws of the State are uniformly and adequately enforced. He The Attorney General shall have direct supervision over every district attorney and sheriff and over such other law enforcement officers as may be designated by law, in all matters pertaining to the duties of their respective offices, and may require any of said officers to make to him such reports concerning the investigation, detection, prosecution, and punishment of crime in their respective jurisdictions as to him the Attorney General may seem advisable. Whenever in the opinion of the Attorney General any law of the State is not being adequately enforced in any county, it shall be the duty of the Attorney General to prosecute any violations of law of which the superior court shall have jurisdiction, and in such cases he the Attorney General shall have all the powers of a district attorney. When required by the public interest or directed by the Governor, he the Attorney General shall assist any district attorney in the discharge of his the duties of that office.

Seventeenth—That Section 2 of Article VI is amended to read:

SEC. 2. The Supreme Court consists of the Chief Justice of California and 6 associate justices. The Chief Justice may convene the court at any time. Concurrence of 4 judges present at the argument is necessary for a judgment.

An acting Chief Justice shall perform all functions of the Chief Justice when he the Chief Justice is absent or unable to act. The Chief Justice or, if he the Chief Justice fails to do so, the court shall select an associate justice as acting Chief Justice.

Eighteenth—That Section 3 of Article VI is amended to read:

SEC. 3. The Legislature shall divide the State into districts each containing a court of appeal with one or more divisions. Each division consists of a presiding justice and 2 or more associate justices. It has the power of a court of appeal and shall conduct itself as a 3-judge court. Concurrence of 2 judges present at the argument is necessary for a judgment.

An acting presiding justice shall perform all functions of the presiding justice when ~~he the presiding justice~~ is absent or unable to act. The presiding justice or, if ~~he the presiding justice~~ fails to do so, the Chief Justice shall select an associate justice of that division as acting presiding justice.

Nineteenth—That Section 4 of Article VI is amended to read:

SEC. 4. In each county there is a superior court of one or more judges. The Legislature shall prescribe the number of judges and provide for the officers and employees of each superior court. If the governing body of each affected county concurs, the Legislature may provide that one or more judges serve more than one superior court.

The county clerk is ex officio clerk of the superior court in ~~his~~ the county.

Twentieth—That Section 6 of Article VI is amended to read:

SEC. 6. The Judicial Council consists of the Chief Justice as ~~chairman~~ and one other judge of the Supreme Court, 3 judges of courts of appeal, 5 judges of superior courts, 3 judges of municipal courts, and 2 judges of justice courts, each appointed by the ~~chairman~~ Chief Justice for a 2-year term; 4 members of the State Bar appointed by its governing body for 2-year terms; and one member of each house of the Legislature appointed as provided by the house.

Council membership terminates if a member ceases to hold the position that qualified ~~him the member~~ for appointment. A vacancy shall be filled by the appointing power for the remainder of the term.

The council may appoint an Administrative Director of the Courts, who serves at its pleasure and performs functions delegated by the council or ~~its chairman the Chief Justice~~, other than adopting rules of court administration, practice and procedure.

To improve the administration of justice the council shall survey judicial business and make recommendations to the courts, make recommendations annually to the Governor and Legislature, adopt rules for court administration, practice and procedure, not inconsistent with statute, and perform other functions prescribed by statute.

The ~~chairman~~ Chief Justice shall seek to expedite judicial business and to equalize the work of judges; ~~he~~. The Chief Justice may provide for the assignment of any judge to another court but only with the judge's consent if the court is of lower jurisdiction. A retired judge who consents may be assigned to any court.

Judges shall report to the ~~chairman~~ Judicial Council as ~~he the Chief Justice~~ directs concerning the condition of judicial business in their courts. They shall cooperate with the council and hold court as assigned.

Twenty-first—That Section 8 of Article VI is amended to read:

SEC. 8. The Commission on Judicial Qualifications consists of 2 judges of courts of appeal, 2 judges of superior courts, and one judge of a municipal court, each appointed by the Supreme Court; 2 members of the State Bar who have practiced law in this State for 10 years, appointed by its governing body; and 2 citizens who are not judges, retired judges, or members of the State Bar, appointed by the Governor and approved by the Senate, a majority of the membership concurring. All terms are 4 years.

Commission membership terminates if a member ceases to hold the position that qualified ~~him the member~~ for appointment. A vacancy shall be filled by the appointing power for the remainder of the term.

Twenty-second—That Section 15 of Article VI is amended to read:

SEC. 15. A person is ineligible to be a judge of a court of record unless for 5 years immediately preceding selection to a municipal court or 10 years immediately preceding selection to other courts, ~~he the person~~ has been a member of the State Bar or served as a judge of a court of record in this State. A judge eligible for municipal court service may be assigned by the ~~chairman of the Judicial Council~~ Chief Justice to serve on any court.

Twenty-third—That Section 16 of Article VI is amended to read:

SEC. 16. (a) Judges of the Supreme Court shall be elected at large and judges of courts of appeal shall be elected in their districts at general elections at the same time and places as the Governor. Their terms are 12 years beginning the Monday after January 1 following their election, except that a judge elected to an unexpired term serves the remainder of the term. In creating a new court of appeal district or division the Legislature shall provide that the first elective terms are 4, 8, and 12 years.

(b) Judges of other courts shall be elected in their counties or districts at general elections. The Legislature may provide that an unopposed incumbent's name not appear on the ballot.

(c) Terms of judges of superior courts are 6 years beginning the Monday after January 1 following their election. A vacancy shall be filled by election to a full term at the next general election after the January 1 following the vacancy, but the Governor shall appoint a person to fill the vacancy temporarily until the elected judge's term begins.

(d) Within 30 days before August 16 preceding the expiration of ~~his the judge's~~ term, a judge of the Supreme Court or a court of appeal may file a declaration of candidacy to succeed ~~himself~~ to the office

presently held by the judge. If ~~he the declaration is~~ does not filed, the Governor before September 16 shall nominate a candidate. At the next general election, only the candidate so declared or nominated may appear on the ballot, which shall present the question whether ~~he the candidate~~ shall be elected. If ~~he receives~~ The candidate shall be elected upon receiving a majority of the votes on the question ~~he is elected~~. A candidate not elected may not be appointed to court but later may be nominated and elected.

The Governor shall fill vacancies in those courts by appointment. An appointee holds office until the Monday after January 1 following the first general election at which ~~he the appointee~~ had the right to become a candidate or until an elected judge qualifies. A nomination or appointment by the Governor is effective when confirmed by the Commission on Judicial Appointments.

Elector of a county, by majority of those voting and in a manner the Legislature shall provide, may make this system of selection applicable to judges of superior courts.

Twenty-fourth—That Section 17 of Article VI is amended to read:

SEC. 17. A judge of a court of record may not practice law and during the term for which ~~he the judge~~ was selected is ineligible for public employment or public office other than judicial employment or judicial office. A judge of the superior or municipal court may, however, become eligible for election to other public office by taking a leave of absence without pay prior to filing a declaration of candidacy. Acceptance of the public office is a resignation from the office of judge.

A judicial officer may not receive fines or fees for ~~his own personal~~ use.

Twenty-fifth—That Section 18 of Article VI is amended to read:

SEC. 18. (a) A judge is disqualified from acting as a judge, without loss of salary, while there is pending (1) an indictment or an information charging ~~him the judge~~ in the United States with a crime punishable as a felony under California or federal law, or (2) a recommendation to the Supreme Court by the Commission on Judicial Qualifications for ~~his removal or retirement of the judge~~.

(b) On recommendation of the Commission on Judicial Qualifications or on its own motion, the Supreme Court may suspend a judge from office without salary when in the United States ~~he the judge~~ pleads guilty or no contest or is found guilty of a crime punishable as a felony under California or federal law or of any other crime that involves moral turpitude under that law. If ~~his the conviction is reversed~~ suspension terminates, and ~~he the judge~~ shall be paid ~~his the salary for the judicial office held by the judge for the period of suspension~~. If ~~he the judge~~ is suspended and ~~his the conviction becomes final~~ the Supreme Court shall remove ~~him the judge~~ from office.

(c) On recommendation of the Commission on Judicial Qualifications the Supreme Court may (1) retire a judge for disability that seriously interferes with the performance of ~~his the judge's~~ duties and is or is likely to become permanent, and (2) censure or remove a judge for action occurring not more than 6 years prior to the commencement of ~~his the judge's~~ current term that constitutes wilful misconduct in office, wilful and persistent failure to perform ~~his the judge's~~ duties, habitual intemperance, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

(d) A judge retired by the Supreme Court shall be considered to have retired voluntarily. A judge removed by the Supreme Court is ineligible for judicial office and pending further order of the court ~~he is suspended from practicing law in this State~~.

(e) The Judicial Council shall make rules implementing this section and providing for confidentiality of proceedings.

Twenty-sixth—That Section 19 of Article VI is amended to read:

SEC. 19. The Legislature shall prescribe compensation for judges of courts of record.

A judge of a court of record may not receive ~~his the salary for the judicial office held by the judge~~ while any cause before ~~him the judge~~ remains pending and undetermined for 90 days after it has been submitted for decision.

Twenty-seventh—That Section 2 of Article IX is amended to read:

SEC. 2. A Superintendent of Public Instruction shall be elected by the qualified electors of the State at each gubernatorial election. ~~He The Superintendent of Public Instruction~~ shall enter upon the duties of ~~his the office~~ on the first Monday after the first day of January next succeeding ~~his each gubernatorial~~ election.

Twenty-eighth—That Section 3 of Article XIV is amended to read:

SEC. 3. It is hereby declared that because of the conditions prevailing in this State the general welfare requires that the water resources of the State be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare. The right to water or to the use or flow of water in or from any natural stream or water course in this State is and shall be limited to such water as shall be reasonably required for the

beneficial use to be served, and such right does not and shall not extend to the waste or unreasonable use or unreasonable method of use or unreasonable method of diversion of water. Riparian rights in a stream or water course attach to, but to no more than so much of the flow thereof as may be required or used consistently with this provision, for the purposes for which such lands are, or may be made suitable, in view of such reasonable and beneficial uses; provided, however, that nothing herein contained shall be construed as depriving any riparian owner of the reasonable use of water of the stream to which ~~his~~ *the owner's* land is riparian under reasonable methods of diversion and use, or of depriving any appropriator of water to which ~~he~~ *the appropriator* is lawfully entitled. This section shall be self-executing, and the Legislature may also enact laws in the furtherance of the policy in this section contained.

Twenty-ninth—That Section 10 of Article XX is amended to read:
SEC. 10. Every person shall be disqualified from holding any office of profit in this State who shall have been convicted of having given or offered a bribe to procure ~~his~~ *personal* election or appointment.

Thirtieth—That Section 15 of Article XX is amended to read:
SEC. 15. Mechanics, ~~material men~~ *persons furnishing materials*, artisans, and laborers of every class, shall have a lien upon the property upon which they have bestowed labor or furnished material for the value of such labor done and material furnished; and the Legislature shall provide, by law, for the speedy and efficient enforcement of such liens.

Thirty-first—That Section 17 of Article XX is amended to read:
SEC. 17. Worktime of mechanics or ~~workmen~~ *workers* on public works may not exceed eight hours a day except in wartime or extraordinary emergencies that endanger life or property. The Legislature shall provide for enforcement of this section.

Thirty-second—That Section 21 of Article XX is amended to read:
SEC. 21. The Legislature is hereby expressly vested with plenary power, unlimited by any provision of this Constitution, to create, and enforce a complete system of ~~workmen's~~ *workers'* compensation, by appropriate legislation, and in that behalf to create and enforce a liability on the part of any or all persons to compensate any or all of their ~~workmen~~ *workers* for injury or disability, and their dependents for death incurred or sustained by the said ~~workmen~~ *workers* in the course of their employment, irrespective of the fault of any party. A complete system of ~~workmen's~~ *workers'* compensation includes adequate provisions for the comfort, health and safety and general welfare of any and all ~~workmen~~ *workers* and those dependent upon them for support to the extent of relieving from the consequences of any injury or death incurred or sustained by ~~workmen~~ *workers* in the course of their employment, irrespective of the fault of any party; also full provision for securing safety in places of employment; full provision for such medical, surgical, hospital and other remedial treatment as is requisite to cure and relieve from the effects of such injury; full provision for adequate insurance coverage against liability to pay or furnish compensation; full provision for regulating such

insurance coverage in all its aspects, including the establishment and management of a State compensation insurance fund; full provision for otherwise securing the payment of compensation; and full provision for vesting power, authority and jurisdiction in an administrative body with all the requisite governmental functions to determine any dispute or matter arising under such legislation, to the end that the administration of such legislation shall accomplish substantial justice in all cases expeditiously, inexpensively, and without incumbrance of any character; all of which matters are expressly declared to be the social public policy of this State, binding upon all departments of the State government.

The Legislature is vested with plenary powers, to provide for the settlement of any disputes arising under such legislation by arbitration, or by an industrial accident commission, by the courts, or by either, any, or all of these agencies, either separately or in combination, and may fix and control the method and manner of trial of any such dispute, the rules of evidence and the manner of review of decisions rendered by the tribunal or tribunals designated by it; provided, that all decisions of any such tribunal shall be subject to review by the appellate courts of this State. The Legislature may combine in one statute all the provisions for a complete system of ~~workmen's~~ *workers'* compensation, as herein defined.

The Legislature shall have power to provide for the payment of an award to the state in the case of the death, arising out of and in the course of the employment, of an employee without dependents, and such awards may be used for the payment of extra compensation for subsequent injuries beyond the liability of a single employer for awards to ~~his~~ *employees of the employer*.

Nothing contained herein shall be taken or construed to impair or render ineffectual in any measure the creation and existence of the industrial accident commission of this State or the State compensation insurance fund, the creation and existence of which, with all the functions vested in them, are hereby ratified and confirmed.

Thirty-third—That Section 25 of Article XX is amended to read:
SEC. 25. Any legislator whose term of office is reduced by operation of the amendment to subdivision (a) of Section 2 of Article IV adopted by the people in 1972 shall, notwithstanding any other provision of this Constitution, be entitled to retirement benefits and compensation as if ~~his~~ *the* term of office had not been so reduced.

Thirty-fourth—That Section 2 of Article XXIV is amended to read:
SEC. 2. (a) There is a Personnel Board of 5 members appointed by the Governor and approved by the Senate, a majority of the membership concurring, for 10-year terms and until their successors are appointed and qualified. Appointment to fill a vacancy is for the unexpired portion of the term. A member may be removed by concurrent resolution adopted by each house, two-thirds of the membership of each house concurring.

(b) The board annually shall elect one of its members ~~chairman~~ *as presiding officer*.

(c) The board shall appoint and prescribe compensation for an executive officer who shall be a member of the civil service but not a member of the board.

TEXT OF PROPOSITION 12

This amendment proposed by Assembly Constitutional Amendment 36 (Statutes of 1974, Resolution Chapter 88) expressly repeals an existing article of the Constitution and adds a new article and a new section thereto; therefore, existing provisions proposed to be repealed are printed in ~~strikeout type~~ and new provisions proposed to be added are printed in *italic type*.

PROPOSED AMENDMENTS TO ARTICLES XII AND XX

First—That Article XII is repealed.

ARTICLE XII CORPORATIONS

SEC. 10. The Legislature shall not pass any laws permitting the leasing or alienation of any franchise, so as to relieve the franchise or property held thereunder from the liabilities of the lessor or grantor, lessee or grantee, contracted or incurred in the operation, use or enjoyment of such franchise, or any of its privileges.

SEC. 17. All railroad, canal, and other transportation companies are declared to be common carriers, and subject to legislative control. Any association or corporation, organized for the purpose, under the laws of this State, shall have the right to connect at the State line with railroads of other States. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad, and shall receive and transport each the other's passengers, tonnage,

and cars, without delay or discrimination.

SEC. 18. No president, director, officer, agent, or employee of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, nor in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or worked by such company, except such interest in the business of transportation as lawfully flows from the ownership of stock therein.

SEC. 19. No railroad or other transportation company shall grant free passes, or passes or tickets at a discount, to any person holding any office of honor, trust, or profit in this State; and the acceptance of any such pass or ticket, by a member of the Legislature or any public officer, other than Railroad Commissioner, shall work a forfeiture of his office.

SEC. 20. No railroad or other transportation company shall raise any rate of charge for the transportation of freight or passengers or any charge connected therewith or incidental thereto, under any circumstances whatsoever, except upon a showing before the Railroad Commission provided for in this Constitution; that such increase is justified; and the decision of the said commission upon the showing so made shall not be subject to review by any court except upon the question whether such decision of the commission will result in confiscation of property.

SEC. 21. No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this

State. It shall be unlawful for any railroad or other transportation company to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property for a shorter than for a longer distance over the same line or route in the same direction; the shorter being included within the longer distance; or to charge any greater compensation as a through rate than the aggregate of the intermediate rates.

Provided; however, that upon application to the Railroad Commission provided for in this Constitution such company may, in special cases, after investigation, be authorized by such commission to charge less for longer than for shorter distances for the transportation of persons or property and the Railroad Commission may from time to time prescribe the extent to which such company may be relieved from the prohibition to charge less for the longer than for the shorter haul. The Railroad Commission shall have power to authorize the issuance of excursion and commutation tickets at special rates.

Nothing herein contained shall be construed to prevent the Railroad Commission from ordering and compelling any railroad or other transportation company to make reparation to any shipper on account of the rates charged to said shipper being excessive or discriminatory; provided no discrimination will result from such reparation.

SEC. 22: The Railroad Commission is continued in existence as the Public Utilities Commission; which shall consist of five members. The commission shall be appointed by the Governor from the State at large; provided, that the Legislature, in its discretion, may divide the State into districts for the purpose of such appointment, said districts to be as nearly equal in population as practicable; and provided further that the three commissioners in office at the time this section takes effect shall serve out the term for which they were elected; and that two additional commissioners shall be appointed by the Governor immediately after the adoption of this section; to hold office during the same term. Upon the expiration of said term, the term of office of each commissioner thereafter shall be six years; except the commissioners first appointed hereunder after such expiration, one of whom shall be appointed to hold office until January 1, 1917; two until January 1, 1919; and two until January 1, 1921. Whenever a vacancy in the office of commissioner shall occur, the Governor shall forthwith appoint a qualified person to fill the same for the unexpired term. Every appointment made by the Governor to the commission shall be subject to the advice and consent of a majority of the members elected to the Senate, except that if a vacancy occurs when the Legislature is not in session, the Governor may issue an interim commission which shall expire on the last day of the next regular or special session of the Legislature. Commissioners appointed for regular terms shall, at the beginning of the term for which they are appointed; and those appointed to fill vacancies, shall, immediately upon their appointment, enter upon the duties of their offices. The Legislature shall fix the salaries of the commissioners; but pending such action the salaries of the commissioners, their officers and employees shall remain as now fixed by law. The Legislature shall have the power, by a two-thirds vote of all members elected to each House, to remove any one or more of said commissioners from office for dereliction of duty or corruption or incompetency. All of said commissioners shall be qualified electors of this State; and no person in the employ of or holding any official relation to any person, firm or corporation, which said person, firm or corporation is subject to regulation by said Public Utilities Commission and no person owning stock or bonds of any such corporation or who is in any manner pecuniarily interested therein, shall be appointed to or hold the office of Public Utilities Commissioner. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. The act of a majority of the commissioners when in session as a board shall be deemed to be the act of the commission; but any investigation, inquiry or hearing which the commission has power to undertake or to hold may be undertaken or held by or before any commissioner designated for the purpose by the commission; and every order made by a commissioner so designated, pursuant to such inquiry, investigation or hearing, when approved or confirmed by the commission and ordered filed in its office, shall be deemed to be the order of the commission.

Said commission shall have the power to establish rates of charges for the transportation of passengers and freight by railroads and other transportation companies; and no railroad or other transportation company shall charge or demand or collect or receive a greater or less or different compensation for such transportation of passengers or freight; or for any service in connection therewith; between the points named in any tariff of rates; established by said commission than the rates, fares and charges which are specified in such tariff. The commission shall have the further power to examine books, records and papers of all railroad and other transportation companies;

to hear and determine complaints against railroad and other transportation companies; to issue subpoenas and all necessary process and send for persons and papers; and the commission and each of the commissioners shall have the power to administer oaths, take testimony and punish for contempt in the same manner and to the same extent as courts of record; the commission may prescribe uniform system of accounts to be kept by all railroad and other transportation companies.

No provision of this Constitution shall be construed as a limitation upon the authority of the Legislature to confer upon the Public Utilities Commission additional powers of the same kind or different from those conferred herein which are not inconsistent with the powers conferred upon the Public Utilities Commission in this Constitution; and the authority of the Legislature to confer such additional powers is expressly declared to be plenary and unlimited by any provision of this Constitution.

Whenever in this Constitution or the laws of this State "Railroad Commission" is used; it shall be deemed to refer to the Public Utilities Commission.

SEC. 23: Every private corporation; and every individual or association of individuals; owning, operating, managing; or controlling any commercial railroad; interurban (sic) railroad; street railroad; canal; pipe line; plant; or equipment; or any part of such railroad; canal; pipe line; plant or equipment within this State; for the transportation or conveyance of passengers; or express matter; or freight of any kind; including crude oil; or for the transmission of telephone or telegraph messages; or for the production; generation; transmission; delivery or furnishing of heat, light, water or power or for the furnishing of storage or wharfage facilities; either directly or indirectly; to or for the public; and every common carrier; is hereby declared to be a public utility subject to such control and regulation by the Railroad Commission as may be provided by the Legislature; and every class of private corporations; individuals; or associations of individuals hereafter declared by the Legislature to be public utilities shall likewise be subject to such control and regulation. The Railroad Commission shall have and exercise such power and jurisdiction to supervise and regulate public utilities; in the State of California; and to fix the rates to be charged for commodities furnished; or services rendered by public utilities as shall be conferred upon it by the Legislature; and the right of the Legislature to confer powers upon the Railroad Commission respecting public utilities is hereby declared to be plenary and to be unlimited by any provision of this Constitution. From and after the passage by the Legislature of laws conferring powers upon the Railroad Commission respecting public utilities; all powers respecting such public utilities vested in boards of supervisors; or municipal councils; or other governing bodies of the several counties; cities and counties; cities and towns; in this State; or in any commission created by law and existing at the time of the passage of such laws; shall cease so far as such powers shall conflict with the powers so conferred upon the Railroad Commission; provided; however; that this section shall not affect such powers of control over public utilities as relate to the making and enforcement of local; police; sanitary and other regulations; other than the fixing of rates; vested in any city and county or incorporated city or town as; at an election to be held pursuant to law; a majority of the qualified electors of such city and county; or incorporated city or town; voting thereon; shall vote to retain; and until such election such powers shall continue unimpaired; but if the vote so taken shall not favor the continuation of such powers they shall thereafter vest in the Railroad Commission as provided by law; and provided; further; that where any such city and county or incorporated city or town shall have elected to continue any of its powers to make and enforce such local; police; sanitary and other regulations; other than the fixing of rates; it may; by vote of a majority of its qualified electors voting thereon; thereafter surrender such powers to the Railroad Commission in the manner prescribed by the Legislature; and provided; further; that this section shall not affect the right of any city and county or incorporated city or town to grant franchises for public utilities upon the terms and conditions and in the manner prescribed by law. Nothing in this section shall be construed as a limitation upon any power conferred upon the Railroad Commission by any provision of this Constitution now existing or adopted concurrently herewith.

SEC. 23a: The Railroad Commission shall have and exercise such power and jurisdiction as shall be conferred upon it by the Legislature to fix the just compensation to be paid for the taking of any property of a public utility in eminent domain proceedings by the State or any county; city and county; incorporated city or town; municipal water district; irrigation district or other public corporation or district; and the right of the Legislature to confer such powers upon the Railroad Commission is hereby declared to be plenary and to be unlimited by any provision of this Constitution. All acts of the Legislature heretofore adopted which are in accordance herewith are hereby confirmed and declared valid.

Second—That Article XII is added, to read:

ARTICLE XII

PUBLIC UTILITIES

SECTION 1. The Public Utilities Commission consists of 5 members appointed by the Governor and approved by the Senate, a majority of the membership concurring, for staggered 6-year terms. A vacancy is filled for the remainder of the term. The Legislature may remove a member for incompetence, neglect of duty, or corruption, two thirds of the membership of each house concurring.

SEC. 2. Subject to statute and due process, the commission may establish its own procedures. Any commissioner as designated by the commission may hold a hearing or investigation or issue an order subject to commission approval.

SEC. 3. Private corporations and persons that own, operate, control, or manage a line, plant, or system for the transportation of people or property, the transmission of telephone and telegraph messages, or the production, generation, transmission, or furnishing of heat, light, water, power, storage, or wharfage directly or indirectly to or for the public, and common carriers, are public utilities subject to control by the Legislature. The Legislature may prescribe that additional classes of private corporations or other persons are public utilities.

SEC. 4. The commission may fix rates and establish rules for the transportation of passengers and property by transportation companies, prohibit discrimination, and award reparation for the exaction of unreasonable, excessive, or discriminatory charges. A transportation company may not raise a rate or incidental charge except after a showing to and a decision by the commission that the increase is justified, and this decision shall not be subject to judicial review except as to whether confiscation of property will result.

SEC. 5. The Legislature has plenary power, unlimited by the other provisions of this constitution but consistent with this article, to

confer additional authority and jurisdiction upon the commission, to establish the manner and scope of review of commission action in a court of record, and to enable it to fix just compensation for utility property taken by eminent domain.

SEC. 6. The commission may fix rates, establish rules, examine records, issue subpoenas, administer oaths, take testimony, punish for contempt, and prescribe a uniform system of accounts for all public utilities subject to its jurisdiction.

SEC. 7. A transportation company may not grant free passes or discounts to anyone holding an office in this state; and the acceptance of a pass or discount by a public officer, other than a Public Utilities Commissioner, shall work a forfeiture of that office. A Public Utilities Commissioner may not hold an official relation to nor have a financial interest in a person or corporation subject to regulation by the commission.

SEC. 8. A city, county, or other public body may not regulate matters over which the Legislature grants regulatory power to the Commission. This section does not affect power over public utilities relating to the making and enforcement of police, sanitary, and other regulations concerning municipal affairs pursuant to a city charter existing on October 10, 1911, unless that power has been revoked by the city's electors, or the right of any city to grant franchises for public utilities or other businesses on terms, conditions, and in the manner prescribed by law.

SEC. 9. The provisions of this article restate all related provisions of the Constitution in effect immediately prior to the effective date of this amendment and make no substantive change.

Third—That Section 7 is added to Article XX, to read:

SEC. 7. The Legislature shall not pass any laws permitting the leasing or alienation of any franchise, so as to relieve the franchise or property held thereunder from the liabilities of the lessor or grantor, lessee, or grantee, contracted or incurred in the operation, use, or enjoyment of such franchise, or any of its privileges.

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COUNTY OF LOS ANGELES
REGISTRAR-RECORDER
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LOS ANGELES, CA 90012

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CERTIFICATE OF SECRETARY OF STATE

I, Edmund G. Brown Jr., Secretary of State of the State of California, do hereby certify that the foregoing measures will be submitted to the electors of the State of California at the GENERAL ELECTION to be held throughout the State on November 5, 1974, and that the foregoing pamphlet is correct.

Witness my hand and the Great Seal of the State, at office in Sacramento, California, this sixth day of August, 1974.



Edmund G. Brown Jr.
EDMUND G. BROWN JR.
Secretary of State